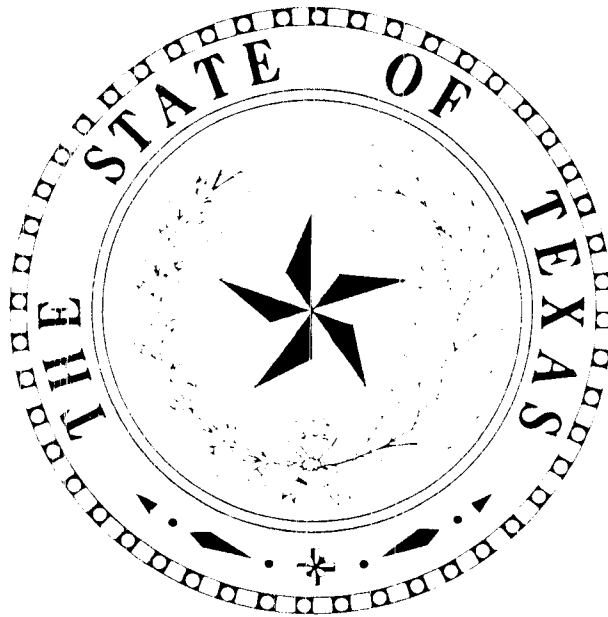


SUMMARY OF ENACTMENTS

66TH LEGISLATURE

REGULAR SESSION

JANUARY 9 - MAY 28, 1979



TEXAS LEGISLATIVE COUNCIL

AUSTIN, TEXAS

SUMMARY OF ENACTMENTS
66TH LEGISLATURE, REGULAR SESSION
1979

TEXAS LEGISLATIVE COUNCIL
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FOREWORD

The Summary of Enactments of the 66th Legislature, Regular Session, provides synopses of all the bills enacted during the 1979 regular session. Summaries of joint resolutions passed by the legislature are also included.

This publication is intended to be a convenient reference for the main features of enacted measures within particular subject areas. A summary of an act should not be considered a comprehensive or legal analysis or used as a source of authority for legal interpretation. A person should examine the enrolled copy of any piece of legislation to obtain a fuller understanding of its application and implications.

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INTRODUCTION

The 66th Legislature of the State of Texas convened on January 9, 1979, and adjourned sine die on May 28, 1979. During this 140-day period, a total of 3,598 bills were introduced, 2,275 in the house of representatives and 1,323 in the senate. Prior to final adjournment, 455 house bills and 435 senate bills cleared both chambers and were sent to the governor for his approval. The governor vetoed 24 house bills, 24 senate bills, and a number of line items and riders in the general appropriations act (House Bill 558). The legislature overrode the governor's veto of one bill (House Bill 2153).

Twelve joint resolutions proposing amendments to the Texas Constitution were passed during the session. Texas voters will have the opportunity to ratify or reject three proposed amendments at an election on November 6, 1979, and nine proposed amendments at an election on November 4, 1980.

The productivity of the 66th Legislature compares favorably with the previous regular session when 3,603 bills were introduced and 897 were passed and sent to the governor.

Numbers, however, only provide a very partial indication of the work of a legislative session. The 66th Legislature faced a large number of very controversial and complex legislative proposals, and after careful deliberation and compromise some major revisions of state law were enacted. Property taxation was probably the area most greatly affected. A property tax code (Senate Bill 621) was adopted to provide a more modern, efficient, and equitable property tax system. The Tax Relief Amendment, approved by voters in November, 1978, was implemented (House Bill 1060) revising the property tax base, the assessment of certain property, and the exemptions available under the tax.

In the comparably complicated area of public school finance, important progress was made in the equitable distribution of state funding for public education in an effort to ensure equal educational opportunity for all students (Senate Bill 350). Comprehensive legislation was also adopted in the areas of alcoholic beverage regulation (Senate Bill 419), probate law (House Bill 329), and the administration of public retirement systems (House Bill 1506).

No measure required greater attention on the part of the legislature than the general appropriations act (House Bill 558). The 66th Legislature, through this act and special appropriations, allocated approximately \$21.1 billion from all funds for the operation of state government and state aid to local government for the 1980-1981 fiscal biennium (an amount that reflects reductions

by gubernatorial vetoes).

Many other significant pieces of legislation were also enacted into law this session. All bills passed by the 66th Legislature and not vetoed by the governor are summarized in the following chapters with the intent of providing a general overview of the results of the regular session.

AGRICULTURE

House Bill 304 sets up the family farm and ranch security program under the administration of the commissioner of the Texas Department of Agriculture to guarantee private loans for the purchase of farm and ranch real estate. To be eligible for a loan under this program, one must be a U.S. citizen, a Texas resident for five years, have a total net worth of less than \$100,000, and demonstrate a need for the loan. According to the provisions of this act, the commission may guarantee to lenders that, in the event of default on a family farm and ranch security loan, the state will pay the lender 90 percent of the sum due and payable under the first real estate mortgage or deed of trust. The bill also authorizes the issuance of state general obligation bonds to pay for the program. (Effective if S.J.R. No. 13 is adopted by voters on November 6, 1979)

House Bill 1050 amends the Texas Egg Law to require that an out-of-state seller of eggs be required to obtain a license before selling eggs in Texas. (Effective April 3, 1979)

House Bill 1381 raises the fees that the commissioner of agriculture collects for testing the accuracy of certain kinds of measuring, metering, and weighing devices in the state. (Effective August 27, 1979)

House Bill 1418 establishes a seasonal agricultural license for motor carriers in order to facilitate the transportation of certain eligible agricultural commodities during the harvest season. It empowers the Railroad Commission of Texas to govern the issuance and use of this license. (Effective June 13, 1979)

House Bill 1799 provides that an agricultural credit corporation within the state follow certain guidelines concerning interest rates if the corporation discounts loans with any federal intermediate credit bank. Previously, the guidelines applied only to a corporation discounting loans with the Federal Intermediate Credit Bank of Houston. (Effective August 27, 1979)

Senate Bill 924 entitles a citrus cooperative association to allow a member association or group more than one vote, provided that the cooperative association satisfies certain conditions. (Effective June 13, 1979)

Senate Bill 1234 provides that a special district for the control and eradication of noxious weeds may be created within any county in the state. Under previous law, these districts could include only territory within certain named counties. (Effective August 27, 1979)

ALCOHOLIC BEVERAGES

The most significant piece of legislation in the area of alcoholic beverage regulation passed by the 66th Legislature was one that made major changes in the brewing industry in Texas.

Senate Bill 419 restructures the brewing industry to establish a pure three-tier system like that existing in the liquor industry. Manufacturers of beer can sell their product only to wholesale distributors and qualified persons outside the state. They are no longer permitted to sell beer to retailers. Distributors are limited to selling to other distributors, various types of retail dealers, private clubs, military installations, and qualified persons shipping the product outside the state. No longer are they allowed to sell to the ultimate consumer. Manufacturers cannot also be licensed as distributors or retailers, and wholesale distributors cannot be licensed as retailers. The one exception to this provision is the small brewer with an annual production not exceeding 75,000 barrels, who has the same rights as a distributor.

The act also limits the rights of licensed distributors to sell or buy beer outside the county where their licensed premises are located, unless they have a written assigned territory from a manufacturer covering that brand of beer. Retail sellers may buy their supply of beer at the warehouse of any distributor in the state.

Finally, the act permits the sale of beer in 7-, 8-, or 16-ounce containers. Package stores may sell these new sizes of containers only in retail packages or multiples thereof. (Effective August 27, 1979, except for the sections concerning the new sizes of beer containers, which are effective January 1, 1980)

Senate Bill 51 allows a hotel to deliver mixed beverages, not only to individual rooms, but to any location in the hotel building or grounds except a parking area or the licensed premises of another alcoholic beverage establishment, regardless of whether the location is part of the licensed premises from which the beverage is delivered. Visitors may leave the licensed premises with an alcoholic beverage if it is in an open container and is intended for immediate consumption. (Effective August 27, 1979)

Senate Bill 154 allows a person to hold both a package store permit and a retail dealer's off-premise license at the same or separate locations. Previously, one person could hold both only if they were issued for the same location. (Effective August 27, 1979)

Senate Bill 363 allows a temporary member of a private club to bring not more than three guests to the club, provided that the temporary member remains in their presence while they are at the

club. The guest is not permitted to pay for services rendered by the club, and any charges must be billed by the club to the temporary member. (Effective August 27, 1979)

Senate Bill 452 provides that a conviction for a violation of the Alcoholic Beverage Code cannot be based solely on the testimony of an accomplice. This testimony must be corroborated by other evidence that connects the defendant with the offense committed. Previous law allowed for conviction on the uncorroborated testimony of an accomplice. (Effective August 27, 1979)

Senate Bill 472 exempts permittees who are subject to the gross receipts tax on mixed drinks from the requirement to post costly surety bonds for the payment of these taxes if, for the preceding 36 months, the permittee has paid all taxes and fees required by the Alcoholic Beverage Code on or before the due date. A deficiency in a tax payment does not constitute failure to pay a tax when due if the deficiency and any applicable penalty are paid within 10 days of the date payment is demanded by the commission. If a permittee with an exemption fails to pay a tax or fee when due, the exemption is terminated, and the permittee must then furnish a bond. Exemption can be regained by paying all delinquent taxes and fees and any penalties and subsequently paying all taxes and fees required by the code on or before the due date for 36 months thereafter. The 36-month period preceding the effective date of the act is counted in determining eligibility for an exemption.

The act also allows for immediate suspension of a permit without a hearing if the holder of the permit fails to file a return or make a tax payment as required by Chapter 202 of the code. The suspension takes effect on the third day after notification of suspension is given and remains in effect until the permittee files the required returns or makes the required tax payment plus penalties. (Effective June 6, 1979)

Senate Bill 489 amends the section of the Alcoholic Beverage Code that prohibits lewd, immoral, or offensive conduct on the premises of a retail beer establishment to delete from the list of such prohibited behaviors the solicitation of coins to operate a musical instrument or other device. (Effective August 27, 1979)

Senate Bill 685 allows the Alcoholic Beverage Commission to either suspend for up to 60 days or cancel an alcoholic beverage permit or a retail dealer's on- or off-premise license if the holder of the permit or license has been convicted of a civil rights violation or discrimination against a person on the basis of the person's race, color, creed, or national origin, and if the offense was committed on the licensed premises or in connection with the operation of the permittee's business. (Effective August 27, 1979)

Senate Bill 712 attempts to resolve a long-standing controversy that centers on the so-called 51 percent rule, which prohibits corporations from engaging in most branches of the alcoholic beverage trade in Texas unless they are chartered in Texas and at least 51 percent of their stock is held by Texans. This law has prevented national grocery and discount store chains, as well as hotel and restaurant chains, from directly controlling the sale of alcoholic beverages in their Texas locations. In most cases, these out-of-state chains have been able to provide alcoholic beverages to their patrons by consigning that branch of the business to a qualified Texas corporation, but from a legal point of view many of these arrangements have been shaky at best, in that they at least come close to violating an anti-subterfuge provision of the Alcoholic Beverage Code. This act attempts to forge a compromise by ratifying arrangements between local and out-of-state corporations such as have existed in the past, but at the same time applying certain restrictions to corporations that operate in this way. Among the restrictions are a prohibition against the operation of package stores and, with respect to those businesses that sell primarily for off-premise consumption, requirements that they restrict to 20 percent the portion of retail floor space devoted to alcoholic beverage sales and that they forego the sale of beverages other than beer and light wines. (Effective August 27, 1979)

House Bill 20 provides that the possession of any intoxicating beverage on public school grounds or in public school buildings is a Class C misdemeanor. (Effective August 27, 1979)

House Bill 805 allows advertisements of alcoholic beverages to appear on benches except in a dry zone or where a local ordinance prohibits such advertising. (Effective August 27, 1979)

House Bill 869 allows importation of liquor for personal use in containers of less than one-half pint. The total quantity imported cannot exceed one quart for Texas residents or one gallon for nonresidents. The act also amends the Alcoholic Beverage Code to provide that the minimum container of any liquor imported for sale be no less than six ounces. Previously, certain alcoholic beverages had to be imported in containers of at least one-half pint. (Effective August 27, 1979)

House Bill 1115 enhances the authority of the Alcoholic Beverage Commission to provide buildings and other facilities for its various operations, including port of entry facilities for the collection of taxes on imported alcoholic beverages. The agency is exempted from the State Building Construction Administration Act and is authorized to finance its building program by imposing a \$50 annual surcharge on each license and permit through August, 1988. (Effective May 24, 1979)

House Bill 1456 changes several aspects of the conduct of a local option alcoholic beverage election. First, it simplifies the wording of the ballot to make it easier to understand. A section is added to allow the use of voting machines and other approved voting methods as well as paper ballots. The act also outlines procedures for conducting recounts of both paper ballots and the results of other voting methods. Finally, the act amends the Texas Election Code to include local option elections under its procedural provisions regarding the appearance of the ballot and how it is to be marked by the voter.

If the date set for a local option election falls on or after the effective date of House Bill 1456, but the election was ordered before the effective date, the officials conducting the election may choose to do so under either the old law or the new law. The provisions relating to recounts do not apply to elections held before the effective date of the act. (Effective September 1, 1979)

House Bill 1530 eliminates the requirement that a home producer of wine file a statement with the Alcoholic Beverage Commission and its district office before beginning production. It also deletes the section of the Alcoholic Beverage Code requiring those who sell materials for home wine-making to accompany all such materials with a written warning to purchasers of their obligation to file a statement and the legal penalties for failure to do so. (Effective August 27, 1979)

House Bill 1547 allows a beer distributor to buy back excess beer that was purchased for sale at an annual festival or civic celebration that has been observed for at least 15 years and lasts no more than 10 days. Previously, the prohibition against distributors buying beer from retailers prevented the organizers of such festivals from disposing of remaining beer supplies in this convenient manner. (Effective June 6, 1979)

House Bill 1740 is an omnibus bill that makes a number of changes, some technical and some substantive, in the Alcoholic Beverage Code. The code, enacted by the 65th Legislature, was a formal revision of the old Texas Liquor Control Act. The code itself made no substantive changes in the law, but a number of bills that made such changes were enacted during the same legislative session and were drafted as amendments to the liquor control act rather than to the code. House Bill 1740 incorporates in the code the changes made by those bills, a standard cleanup procedure that follows enactment of a code such as this. It also corrected minor typographical errors found in the bill that enacted the code.

In addition to these housekeeping measures, the act makes the following changes in the state's alcoholic beverage law:

(1) it provides that a tax payment put in the mail on or before the date it is due is treated as timely paid if it is

received by the commission within 10 days;

(2) the act broadens the authority of the Alcoholic Beverage Commission to obtain criminal history information from other law enforcement agencies;

(3) the law governing payment of travel expenses of employees of the Alcoholic Beverage Commission is revised to permit payment of actual expenses rather than a per diem in certain cases;

(4) issuance of daily temporary mixed beverage permits is restricted to holders of mixed beverage permits;

(5) aliens legally residing in the state are extended the same privileges as United States citizens residing in the state for purposes of obtaining a license or permit;

(6) private clubs are authorized to accept temporary members;

(7) age requirements for employees of beer distributors are relaxed to correspond to age requirements applicable to off-premise beer retailers;

(8) prorating of fees for branch distributors' licenses issued for less than a year is abolished;

(9) package stores are required to close on Thanksgiving Day and New Year's Day as well as Christmas and, when New Year's Day or Christmas falls on a Sunday, they must close on the following Monday; and

(10) manufacturers of beer are prohibited from having an interest in distributors' licenses. (Effective August 27, 1979)

House Bill 2229 removes the distinctions between Class A, Class B, and farm winery permits to allow for a single classification for all wineries in this state. The act also allows for issuing winery permits to premises located in a dry area, but prohibits the holder of such a permit from selling wine in a dry area. The wine must be sold to qualified buyers in wet areas of the state. (Effective June 13, 1979)

BUSINESS AND OCCUPATIONAL REGULATION

Occupational Regulation

Senate Bill 259 creates the Texas Board of Irrigators as a licensing board specifically for landscape irrigators. Previously, this occupation was regulated by the Texas State Board of Landscape Architects. (Effective August 27, 1979)

Senate Bill 273 makes a number of changes in the Nurse Practice Act. These include: (1) authorizing the Board of Nurse Examiners to establish standards of professional conduct and to regulate the practice of professional nursing; (2) expanding the definition of professional nursing to include the administration, supervision, and evaluation of nursing practices, policies, and procedures; (3) authorizing the board to take action against violations of the act or any of the board's rules or regulations; (4) requiring a passing grade of 350 on all subjects in the board examination for certification; (5) deleting the requirement that nurses register with their county clerk; (6) stating a number of grounds for denying, suspending, or revoking certification, giving the board the power to suspend a nurse for up to two years, and permitting the board to probate an order denying, suspending, or revoking certification; (7) setting out procedures for a nurse to be placed on the inactive list and to be removed from the inactive list; (8) increasing the amounts of various fees charged by the board; (9) prescribing higher penalties for violations of the provisions of the Nurse Practice Act; and (10) making the funds that result from the collection of fees subject to the legislature's appropriative process. (Effective August 27, 1979)

Senate Bill 599 amends various parts of the law regulating the practice of podiatry. It rewords some provisions to clarify them or to conform them to language used elsewhere in the law. A provision is added allowing the board to issue a license without administering the required examination if the applicant is a faculty member teaching in a program leading to a degree in podiatry and is licensed to practice podiatry in another state with similar licensing requirements. Such a license allows the practice of podiatry only in conjunction with teaching duties and expires when the licensee's teaching appointment ends. The act also increases the required number of semester hours of college courses for applicants from 30 to 90 hours. The grounds for refusing to grant a license to practice podiatry are expanded to include a number of circumstances that evidence unprofessional conduct or incompetence on the part of the applicant. (Effective May 11, 1979)

Senate Bill 636 amends the Texas Mobile Home Standards Act to bring modular housing units into line with the existing standards

for mobile homes. The short title of the act is changed to "The Texas Manufactured Housing Standards Act." (Effective September 1, 1979)

Senate Bill 767 creates the Home Health Services Advisory Council and sets up guidelines for the regulation of home health care agencies. (Effective September 1, 1979)

Senate Bill 825 amends the law regulating automobile salvage dealers to assist law enforcement officials in controlling auto theft and sale of parts or assemblies from stolen vehicles. The definition of "major component parts," for which a salvage dealer must maintain an inventory, is expanded to include parts that contain or should contain a federal safety sticker, motor number, serial number, or manufacturer's vehicle identification number. Law enforcement officials are empowered to seize a part on which a federal safety sticker has been tampered with or from which the sticker has been removed. (Effective June 13, 1979)

Senate Bill 956 requires the Texas State Board of Medical Examiners to adopt standards for regulating the extent to which a physician licensed by the board may delegate responsibility to a physician assistant. The act specifies a number of factors to be taken into consideration in establishing these standards. (Effective September 1, 1979)

Senate Bill 1249 amends various statutes relating to fire and burglar alarm systems. Among the most significant provisions, it: (1) lists a number of new exceptions to the application of the statutes regulating the sale, servicing, installation, and maintenance of fire detection and fire alarm systems; (2) increases various licensing and registration fees for those involved in fire alarm related businesses; and (3) adds a requirement that each licensee file a surety bond in the amount of \$10,000 and also file proof that it has a public liability insurance policy with the required amount of coverage.

The act also amends the Private Investigators and Private Security Agencies Act to: (1) restrict the definition of "alarms systems company" to apply only to burglar alarms; (2) exempt those in the building construction business from the provisions of the act under certain conditions; (3) exempt law enforcement officers acting in an official capacity from the provisions of the act; and (4) remove the provision that a city can levy charges for the use of central alarm installations located in a fire dispatching office operated by the city. (Effective September 1, 1979)

House Bill 915 raises the minimum number of hours required for a basic training course for private security officers from 25 to 30 hours. The new requirement applies only to those who complete such a course after the effective date of the law. (Effective August 27, 1979)

House Bill 916 adds provisions to the Private Investigators and Private Security Agencies Act directing the regulatory board to contract with licensed practicing psychologists to study the feasibility of developing psychological and emotional standards for applicants for a private security officer's commission and to further study the possibility of developing an examination that will test for those standards. If no such test can be developed and implemented by January 1, 1981, the legislature will review the provisions of this act. If such an examination is implemented and an applicant subsequently files suit against a private individual or agency because of his or her failure to pass the examination, the private person or firm will not be considered at fault, and the state will provide for its legal defense. (Effective August 27, 1979)

House Bill 962, the Residential Service Company Act, provides for regulation and licensing of residential service companies by the Texas Real Estate Commission. A relatively new business in Texas, residential service has created some controversy in other states over whether it is a type of insurance business. It was decided in Texas that regulation of such companies properly lies within the jurisdiction of the Texas Real Estate Commission rather than the State Board of Insurance. (Effective August 27, 1979)

House Bill 1672 exempts from the provisions of the Private Investigators and Private Security Agencies Act electricians who are licensed by an incorporated city or town and who install fire or smoke detectors exclusively in single-family or multifamily residences. (Effective May 17, 1979)

House Bill 1898 amends the law dealing with regulation of packaging, labeling, and sale of brake fluid to further assure that the fluid meets the necessary minimum standards at the time it is purchased. First, it broadens the list of persons who commit an offense under the act to include not only the seller, but the jobber and manufacturer as well. An offense is committed if the person knows that the product is adulterated, unregistered, or misbranded. The Department of Public Safety is instructed to adopt rules for the enforcement of the act and to establish as its minimum standards for brake fluids and packages those adopted by the U.S. Department of Transportation. Fluids will be registered by the Department of Public Safety, but the \$50 filing fee for approving a brake fluid for marketing in Texas is deleted because of fears that it might be considered to constitute a restraint of interstate commerce. The act also adds five new enforcement provisions to strengthen the law and instructs the Department of Public Safety to cooperate with the National Highway Traffic Safety Administration and to comply with federal motor vehicle safety standards. (Effective September 1, 1979)

House Bill 1956 updates the list of National Fire Protection

Association Standards publications that set out the approved installation techniques for fixed fire extinguisher systems. It further allows for adding to or updating these standards when necessary without having to amend the law. (Effective August 27, 1979)

House Bill 2080 makes several changes in the laws relating to regulation of the practice of pharmacy. First, it strikes the stipulation that the required 1,000 hours of practical experience be obtained in a retail pharmacy under the direct supervision of a registered pharmacist. Out-of-state applicants for a license to practice pharmacy in Texas will now be required to pass a Texas drug and pharmacy law examination. The act also changes the prohibition against advertising the ceiling price for certain drugs to a prohibition against advertising these drugs in a deceitful, misleading, or fraudulent manner. Finally the section providing the manner in which the price for the 100 most commonly prescribed drugs may be advertised is repealed because recent court decisions have rendered its provisions inoperative. (Effective June 14, 1979)

Other bills dealing with the regulation of occupations are summarized in the sunset legislation section of the chapter on state government. These include:

Senate Bill 276--Texas Board of Licensure for Nursing Home Administrators

Senate Bill 277--State Board of Morticians

Senate Bill 281--Board of Law Examiners

Senate Bill 287--State Bar of Texas

Senate Bill 313--Texas Board of Land Surveying

Senate Bill 384--Texas Cosmetology Commission

Senate Bill 482--State Board of Barber Examiners

Senate Bill 486--Texas Structural Pest Control Board

Senate Bill 551--Texas Board of Architectural Examiners

Senate Bill 623--Texas Private Employment Agency Regulatory

Board

Senate Bill 797--Texas State Board of Public Accountancy

Financial

★ Senate Bill 10 fixes the maximum lawful rate of interest at 18 percent for loans or other extensions of credit of \$250,000 or more. This rate is not permitted where the loan or extension of credit is: (1) secured by a lien on real property that is used as a single one-to-four family residence and is occupied by a person obligated to pay the loan; or (2) secured by a lien on land intended primarily for agricultural or ranching purposes. Previously, the 18 percent interest rate was permitted only on certain loans of \$500,000 or more. (Effective August 27, 1979)

Senate Bill 359 authorizes automobile dealers to charge fees to buyers for handling documents involved in the sale of an automobile. The fee is limited to \$25, must be charged uniformly to both cash and credit buyers, and must be disclosed on the retail installment contract as a separate itemized charge. In addition, the disclosure must be accompanied by a written notice stating that the documentary fee is not an official fee required by law, that it can be avoided if the buyer handles his or her own documents, and that the maximum fee allowed by law is \$25. (Effective August 27, 1979)

Senate Bill 661 defines "heavy commercial vehicle," includes those vehicles in the schedule of charges allowed on retail installment contracts on motor vehicles, and sets a limit on the transfer of equity fee to which the holder of the contract is entitled when equity is transferred by a buyer. (Effective August 27, 1979)

Senate Bill 811 adds a new chapter to the Texas Credit Code relating expressly to revolving lines of credit available from banks, savings and loan associations, and other licensees who lend money or extend credit under a credit card, check, or other written request from a customer. It sets up a graduated interest rate structure and allows an alternative interest rate of 14.4 percent per annum on the entire average daily balance. The act also contains provisions for making multiple credit accounts available upon request, amending credit agreements, and complying with the federal Consumer Credit Protection Act, and prescribes penalties for violations of the act. (Effective August 27, 1979)

Senate Bill 979 amends several articles of Subtitle 2, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-2.01 et seq., V.T.C.S.). Subtitle 2 regulates certain loans and installment sales. The act amends several provisions of that subtitle concerning the classification of loans under the subtitle, the interest charged on those loans, insurance and disclosure requirements for those loans, and penalties for violations of the subtitle. Among other changes, the act:

- (1) removes the limitation on the number of Chapter 3 licenses that may be issued to a particular person;
- (2) allows the lender to obtain insurance coverage on secured property and add the cost of the premiums to the unpaid balance of the loan if the borrower is obligated to maintain insurance coverage and fails to do so;
- (3) adds a new class action provision to Chapter 8 of the subtitle; and
- (4) repeals Chapter 14 of the subtitle relating to certain disclosure requirements. (Effective August 27, 1979)

House Bill 41 provides that the six percent interest rate that is allowed on accounts and contracts when the parties have not

agreed on some other specified rate shall begin to accrue on the 30th day after the date on which the sum becomes due and payable. Previously, interest on written contracts began to accrue from the time the sum became due, and interest on open accounts began to accrue from the first day of January after such accounts were made. (Effective August 27, 1979)

House Bill 409 raises the maximum rate of interest applicable to loans secured by property on which is located at least one and not more than four single-family dwellings. Lenders may now charge the lesser of two rates: (1) 12 percent a year; or (2) a floating rate based on the average per annum market yield rate on 10-year United States Treasury notes and bonds. Financial institutions may charge a maximum rate of only 10 percent a year if they discriminate in providing financing based on: (1) conditions or trends in the neighborhood where the property is located; or (2) race, color, religion, sex, marital status, national origin, or ancestry. (Effective August 27, 1979)

House Bill 616 changes the usury penalty for persons who contract for, charge, or receive interest that is greater than the maximum legal rate. The amount forfeited shall equal three times the amount by which the interest exceeds the legal limit plus attorney's fees, but shall not in any case be less than \$2,000 or 20 percent of the principal, whichever is the smaller sum. Previously, the forfeiture was twice the amount of the total interest contracted for, charged, or received, plus attorney's fees. (Effective August 27, 1979)

House Bill 732 provides that a state bank may invest not more than five percent of its capital and certified surplus in another bank so long as it does not acquire more than five percent of any class of voting securities of the other bank. Previously, state banks were prohibited from investing in other banks. (Effective April 19, 1979)

House Bill 1318 authorizes a bank to create employee benefit plans, including stock option plans, stock bonus plans, restricted stock option or bonus plans, or any other plans for the sole purpose of compensating employees of the bank for services rendered to their employer. The requirement that such option plans qualify under applicable sections of the Internal Revenue Code is deleted. (Effective May 24, 1979)

House Bill 1510 allows banks to use unmanned teller machines at locations away from their principal place of business but within the county or city of the bank's domicile. It provides that banks shall have the right to share any unmanned teller machines located within the city or county on a nondiscriminatory basis and sets out provisions governing this sharing. The act also allows banks to share unmanned teller machines with savings and loan associations

or credit unions under certain conditions. Protection of the rights of consumers using unmanned teller machines is not specifically provided for in the act because the federal Consumer Protection Act is sufficient to cover this aspect of the regulation of unmanned teller machines.

House Bill 1510 will be without force or effect unless the voters of Texas approve a constitutional amendment (S.J.R. No. 35) giving the legislature power to authorize such legislation.

House Bill 1557 prohibits the use of checks or other negotiable instruments printed on dark red or other colored paper that cannot be reproduced by microfilming or other similar means. A person who knowingly violates this act so commits a Class A misdemeanor. (Effective September 1, 1979)

House Bill 1876, the Texas Housing Finance Corporations Act, authorizes the creation of public nonprofit housing finance corporations by city or county governments and sets out procedures for forming and maintaining those corporations. The primary purpose of the act is to provide a means of financing the cost of residential ownership and development to make decent, safe, and sanitary housing available to local residents of low and moderate income who are unable to obtain housing from conventional private sources. (Effective June 14, 1979)

House Bill 1912 resolves ambiguities concerning credit card transactions and clarifies the status of those who honor a credit card but did not issue it. It defines a "credit card issuer" and clarifies the definitions of "retail charge agreement," "time price differential," "holder," and "retail credit card arrangement." The act also states that compliance with the federal Consumer Protection Act regarding disclosure constitutes compliance with the Texas Credit Code requirements in the same area. (Effective August 27, 1979)

Business and Commerce

Senate Bill 293 conforms the Securities Act to the federal Uniform Securities Act and federal statutes such as the Securities Act of 1933 and the Investment Company Act of 1940. Specifically, it: (1) deletes the provision that advertising that is in compliance with Section 22 of the Securities Act will not be deemed a sale; (2) consolidates the principal existing exemptions for bank, savings and loan, and governmental securities and empowers the State Securities Board to exempt transactions or securities for which existing exemptions are unclear or too narrow; (3) repeals certain exempt securities, such as those issued by the United States government, any state or municipal corporation, or a foreign government; (4) clarifies the circumstances under which written and other offers can be made in registered securities offerings and

specifically permits oral offers after the filing of a securities registration; and (5) eliminates problems associated with an oversale of securities where a permit for their sale has previously been granted by the Securities Commission. (Effective May 15, 1979)

Senate Bill 369 extends the length of time allowed for filing financial statements with respect to purchase money security interest from 10 days to 20 days. To have priority over a conflicting security interest, a purchase money security interest in collateral other than inventory must be perfected within 20 days after the debtor takes possession of the collateral. (Effective June 6, 1979)

Senate Bill 511 provides that the authority of a trustee to permit real estate held in trust to be occupied by the surviving spouse or minor child or to permit the investment of funds held in trust in real estate that is to be used as a home for the surviving spouse or minor child does not apply to trusts and funds that are intended to qualify for federal tax deductions. (Effective April 11, 1979)

House Bill 758 exempts tourist trade centers from the prohibition against selling certain types of merchandise on both Saturday and Sunday. These goods must be sold within a specific contiguous area designated as a tourist trade center. A tourist trade center may not be more than one-fourth square mile in size and 75 percent of all real property within the area must be publicly owned. Each merchant in the center must employ no more than 10 persons, must primarily offer for sale goods that are of general interest to tourists, and must actually sell more than 75 percent of these goods to tourists. Gross weekly sales for each merchant are limited to \$10,000 or less. Each city or town may designate up to two tourist trade centers. (Effective August 27, 1979)

House Bill 1099 states that the implied warranties concerning merchantability and fitness do not apply to the sale or barter of livestock or its unborn young. (Effective May 2, 1979)

House Bill 1577 provides that a person who intentionally fails to file an assumed name certificate as required when conducting a business or rendering professional services under an assumed name is guilty of a misdemeanor punishable by a fine of up to \$2,000. Previously, the penalty applied to anyone who failed to file, regardless of whether there was any intention to violate the law. (Effective August 27, 1979)

House Bill 1936 removes coin-operated billiard tables from the taxing, regulating, and licensing authority granted to cities and towns under Article 19.01(10) of Title 122A if such tables are

regulated and licensed under Chapter 13 of Title 122A. It also provides that, for zoning purposes, all political subdivisions shall treat the presence of an amusement machine in an establishment as indistinguishable from the principal use of the establishment. However, cities may still restrict the presence of such machines within 300 feet of a church, school, or hospital. (Effective August 27, 1979)

House Bill 2124 amends Article 2031b, V.T.C.S., which deals with serving process on nonresident persons and corporations that do business in Texas. The definition of the term "doing business in Texas," which is used to delineate those who are under the personal jurisdiction of the Texas courts, is expanded to include the act of recruiting Texas residents for employment inside or outside the state. (Effective August 27, 1979)

Corporations and Associations

Senate Bill 142 amends the Texas Business Corporation Act to permit, in certain circumstances, a corporation to acquire all or most of the property or assets of another corporation without the transaction being viewed as a merger or consolidation and without the acquiring corporation being held liable for an obligation of the selling corporation that the acquiring corporation did not expressly assume. (Effective May 17, 1979)

Senate Bill 153, the Texas Mutual Trust Investment Company Act, authorizes the formation of mutual trust investment companies and sets out procedures for incorporation; outlines corporate powers and the requirements of ownership, purchase, and transfer of stock; and provides for audit and report procedures. This act provides common trust fund service to smaller banks that are unable to establish their own trust funds to take advantage of diversification and ease of investment. (Effective August 27, 1979)

Senate Bill 817 provides that an out-of-state trust company or bank holding company that receives a certificate of authority to transact business in Texas after September 1, 1979, may not act as trustee, executor, administrator, or guardian as was previously allowed by Texas law, nor may these companies acquire or control a trust company in Texas that is chartered under Texas law. (Effective September 1, 1979)

Senate Bill 1275, the Development Corporation Act of 1979, authorizes the creation of nonprofit corporations that will act on behalf of political subdivisions by issuing obligations to provide financing for commercial, industrial, manufacturing, and research medical projects for such public purposes as expanding employment and promoting health and welfare. The use of such nonprofit

development corporations allows political subdivisions to obtain the federal tax exemption offered for interest on bonds issued by the corporations while insulating the political subdivisions from liability for the bonds since the state constitution prohibits them from lending their credit. The act is designed to make Texas competitive with other states in attracting industrial and commercial enterprises and medical research projects. (Effective June 13, 1979)

House Bill 567 amends the Texas Uniform Limited Partnership Act by:

(1) listing the persons who may be a general or limited partner (Section 2A);

(2) permitting a limited partner to take certain actions on behalf of a limited partnership without losing his or her limited liability (Section 8);

(3) permitting a general partner to take certain actions on behalf of the limited partnership if approved by a majority of the limited partners under the requirements of the certificate of limited partnership; and

(4) clarifying the law governing a foreign limited partnership that qualifies to do business in this state.

In addition, House Bill 567 amends the Texas Uniform Partnership Act by listing the persons who may be partners. (Effective August 27, 1979)

House Bill 926 allows a perpetual period of duration for nonprofit corporations incorporated before August 10, 1959, and to business corporations incorporated before September 6, 1955, unless a limited period of duration is provided for in their articles of incorporation. Previously, only those corporations established after the enactment of the Texas Non-Profit Corporation Act and the Texas Business Corporation Act had the power of perpetual duration. (Effective May 2, 1979)

Miscellaneous

Senate Bill 12 amends the statute creating the McAllen Trade Zone Corporation to authorize the creation of a subzone in Starr County. McAllen is located in Hidalgo County. (Effective May 9, 1979)

Senate Bill 102 amends various sections of the law dealing with the identification, labeling, and sale of hazardous substances. First, it includes in the definition of hazardous substance any toy or other article, other than clothing, intended for use by children that presents an electrical, mechanical, or thermal hazard. It allows the Texas Department of Health to determine the flammability of fabrics and household furnishings. The act also adds to the list of substances excepted from the ban

on hazardous substances those toys or articles that, by reason of functional purpose, necessarily present an electrical, mechanical, or thermal hazard, if they are labeled properly to warn the consumer of the hazard. Finally, the act establishes new penalties for violating the provisions of the act or any rule of the department issued pursuant to the act. (Effective August 27, 1979)

Senate Bill 357 amends several sections of the Deceptive Trade Practices--Consumer Protection Act to:

(1) clarify the definition of the terms "knowingly" and "false, misleading, or deceptive acts or practices";

(2) limit a consumer's causes of action;

(3) change the amount of damages that a consumer may receive under Section 17.50 to actual damages plus twice the portion of the actual damages that does not exceed \$1,000 plus up to three times the portion of the actual damages that exceeds \$1,000, as determined by the court;

(4) require the court to award to the defendant attorney's fees and court costs if the court finds that an action brought under Section 17.50 is groundless and brought in bad faith or brought to harass;

(5) require a consumer to give 30 days' written notice to the defendant before filing suit under Section 17.50;

(6) provide several defenses to an action brought under Section 17.50;

(7) clarify counties in which an action may be brought under Section 17.50; and

(8) provide for a two-year limitation period for an action brought under the Deceptive Trade Practices--Consumer Protection Act. (Effective August 27, 1979)

Senate Bill 418 includes nonprofit water supply corporations and sewer service corporations within the Public Utility Commission's certification jurisdiction, but removes them from its rate and services jurisdiction. Previously, these corporations were subject to all of the applicable provisions of the Public Utility Regulatory Act, in addition to being subject to federal regulation because of their funding provisions. (Effective April 19, 1979)

Senate Bill 815 amends the definition of "test year" as used for purposes of public utility regulation based on operating data to allow the test year to commence with either a calendar year quarter or a fiscal year quarter. Previously, the test year could commence only with a calendar year quarter. (Effective August 27, 1979)

Senate Bill 833 eliminates statutory language that causes an individual or company that produces its own natural gas to be classified as a "gas utility" solely because its gas lines cross a public road. (Effective May 17, 1979)

Senate Bill 951 provides that a utility that acquired a developer-installed utility property prior to September 1, 1976, shall include this acquired property in the utility's rate base, for the purpose of ratemaking, at the installed cost of the property rather than at the acquisition price. Unless customer agreement provides otherwise, the property is to be considered invested capital and not a contribution. Such property, if useable and in service, is depreciable. This is intended to allow some utilities to recover the costs of ultimately replacing utility systems donated by subdivision developers. (Effective August 27, 1979)

Senate Bill 1095 authorizes the Railroad Commission of Texas to promulgate rules, regulations, and standards under which a mobile home park owner or operator may submeter natural gas for the benefit of individual mobile home units. The owner or operator may not deliver the gas for profit, and adequate records of the submetering must be maintained and made available for inspection by residents of the park. (Effective June 6, 1979)

Senate Bill 1105 authorizes the Brownsville Navigation District to apply for a permit to establish a U.S. Foreign Trade Zone at the Brownsville port of entry and to establish any subzones that may be approved. (Effective August 27, 1979)

House Bill 845 provides conditions under which rates charged by a gas utility to a large volume contract customer are to be considered just and reasonable. This creates standards for a public utility to meet in order to satisfy the legal requirement placed on it to prove that such rates are just and reasonable. (Effective August 27, 1979)

House Bill 1921 repeals the law regulating the sale, distribution, and possession of oleomargarine. (Effective June 6, 1979)

CIVIL REMEDIES AND PROCEDURE

Senate Bill 209 amends current law to allow all parties in a suit for personal injuries, not just the defendant, to inspect hospital records. It also provides that access to such records cannot be denied by a hospital for the reason that such records are incomplete. (Effective August 27, 1979)

Senate Bill 255 allows for an appeal from a court's decision that a suit does or does not constitute a class action. (Effective August 27, 1979)

Senate Bill 965 improves the ability of a creditor who has received a favorable judgment in litigation to collect this judgment from the debtor. It allows the creditor to ask for the aid of the court in the form of a court order requiring the debtor to turn any nonexempt property over to a sheriff or constable to be applied toward satisfaction of the judgment. Such an order may be enforced by a contempt citation in cases of failure to comply. The creditor is entitled to recover reasonable costs, including attorney's fees, if he or she finds such action necessary. (Effective June 13, 1979)

House Bill 15 makes changes in the types of contracts that can be submitted to arbitration under the Texas General Arbitration Act. Contracts of insurance, construction contracts, labor union contracts and other agreements between employer and employee, except collective bargaining contracts, can now be submitted to arbitration, where formerly they were excluded. Collective bargaining contracts remain excluded from arbitration, and three new exclusions are added: (1) consumer contracts involving \$50,000 or less, unless in writing and signed by both parties and their attorneys; (2) claims for personal injury, unless in writing and signed by counsel and both parties; and (3) claims for workers' compensation. (Effective August 27, 1979)

House Bill 412 increases the statute of limitations from two years to four years for commencing and prosecuting actions or suits involving debts that are not evidenced in a written contract and those involving payment of open or stated accounts. (Effective August 27, 1979)

House Bill 540 simplifies the process of providing proof in a civil suit to support a finding that expenses incurred or contracted for were either reasonable or necessary. Under existing case law, an injured party must offer expert testimony to this effect whether disputed by the opposing party or not. House Bill 540 allows an affidavit stating that the charges were reasonable at the time and place rendered and that the services were necessary and including an itemized statement of the services and charges to

be considered sufficient evidence to satisfy that question unless challenged by a counter-affidavit. The original affidavit must be filed and a copy given to the other parties to the suit at least 14 days before the matter goes to trial. Any of the other parties then has 10 days to file and serve a counter-affidavit giving notice of the basis upon which he or she intends to dispute all or part of the claim covered by the original affidavit. If a counter-affidavit is filed and served, then the original affidavit is no longer considered sufficient evidence to support a finding that charges were reasonable or services necessary. (Effective August 27, 1979)

CORRECTIONS

One of the most significant pieces of legislation in the area of corrections which passed the 66th Legislature was Senate Bill 844. This act repeals the misdemeanor probation law and replaces it with dramatically revised law that conforms more closely to the probation law applicable in felony cases.

However, House Bill 588, an earlier enactment of the 66th Legislature, would have amended the law repealed by Senate Bill 844 to eliminate the requirement that a criminal defendant in a misdemeanor case pay the costs of the trial in order to be eligible for probation. House Bill 588 would have also amended that law to authorize requiring payment of the costs of trial as a condition of misdemeanor probation.

Senate Bill 844 apparently supersedes House Bill 588 because Senate Bill 844 is the later enactment, repeals the law amended by House Bill 588, and contains the substance of House Bill 588. (Senate Bill 844 effective August 27, 1979; House Bill 588 effective September 1, 1979)

Texas Department of Corrections

Senate Bill 162 allows the Texas Department of Corrections to contract with an agency of another state, the federal government, or a foreign government for the manufacturing and selling of items produced by prison industries. (Effective March 7, 1979)

House Bill 618 allows the director of the department of corrections, when an inmate dies, to expend a sum not greater than the amount a convict is entitled to receive from the state when he is discharged to defray the expenses of burial of the inmate. (Effective April 19, 1979)

House Bill 2118 provides for visitation rights for the clergyperson of an inmate on death row. (Effective August 27, 1979)

House Bill 2244 allows the Texas Department of Corrections to grant temporary furloughs of not more than five days for any reason the department determines appropriate, including visits with family members. (Effective September 1, 1979)

Miscellaneous

Senate Bill 376 affects the establishment, administration, and funding of adult probation offices and the employment benefits

and hiring of probation office staff. The act gives probation offices additional authority to make rules of conduct for probationers and provides that a probationer who is represented by a public defender may be required as a condition of probation to pay to the county an amount that would be reasonable attorney's fees had the probationer been represented by an attorney other than a public defender. (Effective August 27, 1979)

Senate Bill 1130 provides that if a judge who is serving on the Texas Adult Probation Commission ceases to hold his judicial office, he may continue to serve the remainder of his term on the commission. (Effective August 27, 1979)

House Bill 1463 authorizes the joint construction, financing, operation, and management of a justice center on the state line by the cities of Texarkana, Texas, and Texarkana, Arkansas, and the counties in which those cities are located. (Effective August 27, 1979)

COURTS

General Legislation

Senate Joint Resolution 36 proposes a constitutional amendment to change the name of the courts of civil appeals to the courts of appeals and to make those courts intermediate appellate courts having both civil and criminal jurisdiction. It also proposes to change the titles and qualifications of the justices of the Supreme Court and to prescribe the jurisdiction of the appellate courts. (Effective November 4, 1979 on adoption by voters)

House Bill 467 provides for the appointment, duties, and powers of masters in certain civil suits affecting the parent-child relationship and in certain contempt proceedings to hear such cases and report back to the court. (Effective August 27, 1979)

House Bill 967 provides that each district court, county court, and statutory county court exercising the constitutional jurisdiction of either a county court or district court has juvenile jurisdiction and may be designated as a juvenile court. (Effective August 27, 1979)

House Bill 1333 increases the jurisdiction in civil matters in justice of the peace courts from \$200 to \$500 and grants the county courts concurrent jurisdiction with justice of the peace courts in civil matters when the amount in controversy involves more than \$200, but less than \$500. (Effective June 6, 1979)

Senate Bill 46 provides for the destruction of a person's juvenile court records if seven years have elapsed since the person's 16th birthday and if the person has not been convicted of a felony. (Effective August 27, 1979)

New Courts

House Bill 658 creates the County Court at Law No. 4 of Travis County. (Effective January 1, 1980)

House Bill 987 creates the County Court at Law of Val Verde County. (Effective August 27, 1979)

House Bill 1042 provides permissive legislative authority to the city of Longview to create by ordinance one or more municipal courts of record. (Effective August 27, 1979)

House Bill 1137 creates the County Court at Law No. 2 of Collin County. (Effective January 1, 1981)

House Bill 1950 creates the County Court at Law of Gregg County. (Effective August 27, 1979)

House Bill 2175 creates the County Court at Law No. 2 of

Denton County. (Effective August 27, 1979)

House Bill 2176 creates the County Court at Law of Medina County. (Effective August 27, 1979)

House Bill 2226 creates the County Court at Law No. 2 of Cameron County. (Effective January 1, 1980)

House Bill 2253 creates the County Court at Law No. 2 of Victoria County and makes provisions regarding the membership of the judge of each county court at law in Victoria County on its juvenile board. (Effective August 27, 1979)

Senate Bill 123 creates the County Court at Law of Wise County and provides for the membership of its judge on the juvenile board of Wise County. (Effective September 1, 1979)

Senate Bill 156 creates the County Court at Law of Wichita County. (Effective August 27, 1979)

Senate Bill 173 creates the 272nd Judicial District, composed of Brazos County. (Effective April 6, 1979)

Senate Bill 613 creates the County Court at Law No. 3 of Hidalgo County. (Effective August 27, 1979)

Senate Bill 632 provides legislative authority to the city of Lubbock to create by ordinance one or more municipal courts of record. (Effective August 27, 1979)

Senate Bill 843 creates the County Criminal Court at Law No. 10 of Harris County. (Effective January 1, 1980)

Senate Bill 1168 creates the County Criminal Court of Appeals No. 2 of Dallas County. (Effective January 1, 1981)

Senate Bill 1169 creates the County Criminal Court No. 10 of Dallas County. (Effective January 1, 1981)

Senate Bill 1170 creates the County Criminal Court No. 9 of Dallas County. (Effective January 1, 1981)

Senate Bill 1171 creates the County Criminal Court No. 8 of Dallas County. (Effective January 1, 1981)

Existing Courts

House Bill 346 increases the jurisdiction of the County Court at Law of Comal County in civil cases from a maximum of \$5,000 to \$10,000 and grants the court jurisdiction in cases relating to family law matters. (Effective March 22, 1979)

House Bill 461 gives the city of Fort Worth the authority to create by ordinance municipal courts of record and repeals the statute written in 1977 relating to the creation, jurisdiction, and operation of municipal courts in Fort Worth. (Effective August 27, 1979)

House Bill 561 gives the County Court at Law No. 2 of Bexar County probate jurisdiction and authority to perform other administrative acts required of the Bexar County Judge, including the granting or denying of applications for beer and wine licenses and other authority under the Alcoholic Beverage Code. (Effective

August 27, 1979)

House Bill 796 changes the terms of the court of the 18th and 64th Judicial District Courts. (Effective April 19, 1979)

House Bill 874 directs the commissioners court of each county to provide each justice of the peace in the county with a suitable courtroom and office space and necessary telephone, equipment, and supplies. (Effective August 27, 1979)

House Bill 997 alters the terms of court of the 22nd and 207th District Courts. (Effective August 27, 1979)

House Bill 1658 reorganizes three judicial districts by eliminating Menard County from the 33rd Judicial District, by eliminating Kimble and Sutton counties from the 216th Judicial District, and by eliminating Bandera County from the 198th Judicial District. (Effective September 1, 1979)

House Bill 1926 reorganizes the 112th Judicial District by adding Reagan County. (Effective September 1, 1979)

House Bill 1954 provides legislative authority to the city of El Paso to create by ordinance municipal courts of record. (Effective September 1, 1979)

House Bill 2184 provides legislative authority to the city of San Antonio to create municipal courts of record. (Effective August 27, 1979)

House Bill 2187 increases the jurisdiction of the County Court at Law of Hays County, changes the qualifications of office for the judge of that court, and substitutes the criminal representation of the state in Hays County from the county attorney to the criminal district attorney. (Effective August 27, 1979)

House Bill 2236 provides legislative authority for the judge of the County Court at Law No. 4 of Bexar County to appoint a locally funded administrative assistant. (Effective June 6, 1979)

Senate Bill 11 transfers Shackelford County from the Eighth Administrative Judicial District to the Seventh Administrative Judicial District. (Effective September 1, 1979)

Senate Bill 527 restores civil and criminal jurisdiction to the County Court of Real County and conforms the jurisdiction of the district court to the change in the jurisdiction of the county court. This act also repeals the 1917 law diminishing the civil and criminal jurisdiction of the County Court of Real County. (Effective August 27, 1979)

Senate Bill 542 specifies that the jurisdiction of the County Court at Law of Fort Bend County include juvenile proceedings. (Effective August 27, 1979)

Senate Bill 893 adjusts the terms of court for the 253rd District Court in Chambers and Liberty counties. (Effective August 27, 1979)

Senate Bill 1129 is local legislation increasing the jurisdiction of the county courts at law in Brazoria County to include civil cases when the matter in controversy does not exceed \$10,000 and to include proceedings under Title 3 of the Family Code; establishing the procedure for the rotation of presiding judges of the statutory probate courts in Harris County; and repealing the prior law that designated the judges of the county courts of probate in Harris County. Moreover, it sets the compensation of the judges of the statutory probate courts in Harris, Dallas, and Tarrant counties. The act also specifies the juvenile jurisdiction of the courts in Galveston County and the filing of juvenile cases, and makes provisions relating to the Galveston County Juvenile Board. Finally, it stipulates eminent domain jurisdiction in the statutory courts of Galveston County. (Effective August 27, 1979)

Senate Bill 1231 moves Mills County from the Third to the Seventh Administrative Judicial District, moves Jim Hogg County from the Fourth to the Fifth Administrative Judicial District, and moves Shackelford County from the Eighth to the Seventh Administrative Judicial District. (Effective June 11, 1979)

Senate Bill 1262 adjusts the terms of court and the docketing of cases in the 10th, 56th, and 212th Judicial Districts in Galveston County. (Effective August 27, 1979)

Senate Bill 1272 removes the requirement that the 241st District Court give preference to family law and juvenile law cases. (Effective June 6, 1979)

Senate Bill 1299 grants County Criminal Courts Nos. 3 and 4 of Tarrant County concurrent appellate jurisdiction. This act also repeals a provision vesting the County Criminal Court No. 3 of Tarrant County with the sole jurisdiction within the county of all appeals from criminal convictions. (Effective August 27, 1979)

Judges

House Bill 1787 allows the appointment of a retired judge of a special juvenile court of a domestic relations court to preside over a family district court. (Effective August 27, 1979)

Senate Bill 111 allows each of the judges of the two county courts in Taylor County to preside over the other court when the need arises. It further provides that a special judge of the County Court at Law of Taylor County receive a reasonable fee from the commissioners court for each day he or she serves. (Effective August 27, 1979)

Senate Bill 428 allows the chief justice of the Supreme Court to assume the duties of the presiding judge of an administrative judicial district during the interim between gubernatorial appointments, during temporary incapacity of the presiding judge, and when the presiding judge disqualifies himself. It repeals the requirement that the clerk of the district court perform the duties of the clerk of the administrative district and authorizes an administrative assistant, paid for by the state, for the presiding judge. (Effective August 27, 1979)

Senate Bill 573 gives the presiding judge of the Court of Criminal Appeals membership on the Texas Judicial Council with the same rights of membership that the chief justice of the Supreme Court enjoys. (Effective April 11, 1979)

Court Officers

House Bill 1590 regulates the fees collected by the clerks of the district courts for photocopies. (Effective August 27, 1979)

Senate Bill 87 expressly repeals the statute relating to district clerk fees in counties of 900,000 or more in population, which was impliedly repealed by the 65th Legislature. (Effective March 5, 1979)

Senate Bill 653 amends the Code of Criminal Procedure by giving the clerk of the county or district court primary responsibility for exhibits in criminal proceedings. It also allows the clerk to transfer exhibits, such as firearms and contraband, to the sheriff or other authorized persons for safekeeping. (Effective August 27, 1979)

Senate Bill 824 expands the bonding requirements of the district clerk, requires the district clerk to obtain bonding for his deputy clerk, directs the district clerk to obtain an errors and omissions insurance policy covering the district clerk and his deputies, mandates the district clerk to obtain an insurance policy to cover any loss due to burglary, theft, robbery, counterfeit currency, and destruction, and finally, provides that the premiums for those required bonds and insurance policies be paid by each county's commissioners court. (Effective August 27, 1979)

Attorneys

House Bill 825 provides for the collection of fees by a county attorney, district attorney, or criminal district attorney for the collection and processing of certain checks and similar sight orders. (Effective August 27, 1979)

Senate Bill 178 sets up a rebuttable presumption that the usual and customary attorney's fees in certain cases are reasonable and allows the court in its discretion to take judicial knowledge of those usual and customary fees in awarding attorney's fees to a claimant under Article 2226, Revised Civil Statutes of Texas, 1925. (Effective June 6, 1979)

Prosecuting Attorneys

House Bill 284 allows the district attorney of the 23rd Judicial District to represent the state and perform the duties of district attorney in all the district courts in Matagorda and Wharton counties. (Effective June 7, 1979)

House Bill 750 creates the constitutional office of criminal district attorney of Jasper County and abolishes the office of county attorney. (Effective September 1, 1979)

House Bill 961 creates the constitutional office of district attorney of Denton County and abolishes the office of county attorney. (Effective January 1, 1981)

House Bill 1004 directs the county attorney of Webb County to continue to handle and prosecute all juvenile, child welfare, and mental health cases in Webb County in addition to the other civil cases in Webb County where the State of Texas is a party, in addition to his or her other duties as county attorney. (Effective May 15, 1979)

House Bill 1413 divests the district attorney of the 121st Judicial District of his or her statutory duties in Terry County and invests those duties in the county attorney of Terry County when the term of the office of the present county attorney expires. Afterwards, the district attorney shall represent the State of Texas in and be elected from only the counties of Cochran, Hockley, and Yoakum. (Effective August 27, 1979)

Senate Bill 429 creates the office of district attorney of the 97th Judicial District, composed of Archer, Clay, and Montague counties. (Effective June 6, 1979)

Juries

House Bill 52 allows all persons having legal custody of a child less than 10 years of age to qualify for exemption from jury service if the jury service will leave the child without adequate supervision. (Effective August 27, 1979)

House Bill 426 provides the procedure for the elderly to establish permanent exemption from jury service on the ground of being over 65 years of age. (Effective August 27, 1979)

House Bill 761 authorizes the transfer of jurors originally called for service in the district or county courts of Midland County to the justice of peace courts. (Effective April 3, 1979)

House Bill 794 simplifies grand jury proceedings by permitting the foreman to present an indictment to either the judge or the clerk of the court. Previously, indictments had to be presented to the judge in open court by the grand jury as a body. The act further provides for setting or denying bail by the judge in a felony case after an indictment is presented but before a capias is issued. (Effective June 7, 1979)

House Bill 1436 provides that in lieu of the selection of prospective grand jurors by means of a jury commission, the district judge may direct that prospective grand jurors be selected in the same manner as are jury panels for the trial of civil cases in the district court. It also expands grounds for excuses from grand jury service and requires a grand jury commission to consider factors of race, sex, and age in selecting prospective grand jurors. (Effective September 1, 1979)

House Bill 1811 increases the minimum amount of compensation for grand and petit jurors from \$5 to \$6. (Effective August 27, 1979)

Juvenile Boards

House Bill 620 includes the judges of the Ninth Judicial District, Second Ninth Judicial District, and 221st Judicial District on the juvenile board in each county where they preside and increases the minimum and maximum limits of their salaries to not less than \$3,000 per annum and not more than \$10,000 per annum. (Effective June 6, 1979)

House Bill 2173 establishes the composition of the Grayson County Juvenile Board and provides for compensation for the juvenile board members. (Effective August 27, 1979)

House Bill 2214 amends the statute relating to the Gray

County Juvenile Board by specifying the powers of the board and providing for reimbursement of expenses and compensation for the members of the board. (Effective June 6, 1979)

House Bill 2255 creates a juvenile board in each of the counties of Hemphill, Roberts, and Lipscomb. (Effective August 27, 1979)

Senate Bill 1198 concerns the Galveston County Juvenile Board and stipulates its composition and operation and also grants certain changes in the juvenile jurisdiction of the county courts at law of Galveston County. (Effective August 27, 1979)

Miscellaneous

Senate Bill 588 increases the sheriff's and constable's fees for serving certain documents and allows them to collect fees for attempting to serve the documents but not being able to do so. This legislation also provides that a document may not be returned unexecuted prior to its execution unless requested by the court, the litigant, or the litigant's attorney. (Effective June 11, 1979)

CRIMINAL JUSTICE AND PROCEDURE

Offenses and Penalties

Senate Bill 116 makes it an offense for a person to knowingly tamper with the serial number or other permanent identification marking on tangible personal property other than a motor vehicle, or to possess such property knowing that the identification number has been tampered with. Such an offense is a Class A misdemeanor. Property involved in a violation of this law may be treated as stolen for purposes of its custody and disposition. (Effective September 1, 1979)

Senate Bill 254 expands the range of circumstances under which starting a fire or causing an explosion could be construed as arson. A person commits arson if he or she, without legal authorization, starts a fire or causes an explosion with intent to destroy or damage a building, habitation, or vehicle: (1) knowing that it is within the limits of an incorporated city; (2) knowing that it is insured against damage or destruction; (3) knowing that it is subject to a mortgage or other security interest; (4) knowing that it is located on property belonging to another; (5) knowing that it has located within it property belonging to another; or (6) when the person is reckless about whether the fire or explosion will endanger another's life or property. (Effective September 1, 1979)

Senate Bill 322 amends the Texas Controlled Substances Act by changing schedules of controlled substances and penalty groups. (Effective June 13, 1979)

Senate Bill 394 expands the offense of injury to a child to include intentionally causing injury to a child 14 years of age or younger. Previously, the conduct was not included in that offense unless it caused serious bodily injury, serious physical or mental deficiency, or disfigurement. The conduct included in the offense by the act is a third degree felony unless the person's conduct was merely reckless or negligent, in which case it is a Class A misdemeanor. (Effective August 27, 1979)

Senate Bill 546 makes it an offense for a peace officer or jailer or guard employed at a municipal or county jail or by the Texas Department of Corrections to violate the civil rights of a prisoner knowing that his conduct is unlawful. Such an offense is a third degree felony unless serious bodily injury occurs, making it a second degree felony, or death occurs, making it a first degree felony. The attorney general is given concurrent jurisdiction to investigate violations involving serious bodily injury or death. (Effective September 1, 1979)

Senate Bill 846 expands the range of acts that constitute aggravated assault to include actions against a peace officer in retaliation for the officer's performance of an official duty or against a participant in a court proceeding while the participant is discharging an official duty or in retaliation for the participant's performance of an official duty. The offense of deadly assault on a peace officer is similarly expanded and is renamed deadly assault on a peace officer or court participant. (Effective September 1, 1979)

Senate Bill 952 increases the penalty for criminal trespass committed on the premises of an electric generating plant or an electric utility substation (from a Class C to a Class B misdemeanor). The act also expands the range of acts that constitute the offenses of terroristic threat and false alarm or report, and it provides greater penalties in certain cases. The offense of terroristic threat now includes threats to impair or interrupt public communications, public transportation, public water, gas, or power supply or other public service and in such cases is a felony of the third degree. The offense of false alarm or report now includes a false report of an emergency involving these public services and in such cases is also a felony of the third degree. (Effective August 27, 1979)

House Bill 43 expands the Penal Code definition of "sexual contact" to cover fondling the breast of a person of either sex and of any age with the intent to arouse or gratify sexual desire. Previously the definition had covered touching of breasts with that intent only if the breast was of a female 10 years or older. The impact of the act will be that the fondling of the breast of a male or of a female younger than 10 years could form the basis of a prosecution for public lewdness, indecency with a child, or one of several offenses involving prostitution. (Effective August 27, 1979)

House Bill 179 makes it an offense for a person to intentionally, knowingly, recklessly, or with criminal negligence interfere with the transmission of a communication over a citizen's band radio channel that is being sent to inform or inquire about an emergency. That offense is a Class B misdemeanor unless it results in serious bodily injury or property loss of over \$1,000, in which case the offense is a third degree felony. (Effective August 27, 1979)

House Bill 449 removes differences based on gender from the law dealing with violations of traffic laws by certain minors. Without regard to gender, the penalties may be imposed on any minor convicted of committing the violation when he or she was between 14 and 17 years of age. Previously, these penalties applied to male minors between 14 and 17 years of age and to female minors between 14 and 18 years of age. The act also deletes the specific

reference to driving while under the influence of alcohol so that the law now refers to violations of any traffic law of the state. (Effective August 27, 1979)

House Bill 838 makes the punishment for unlawful transfer or disposal of secured property dependent on the amount of the unpaid balance remaining on the secured indebtedness. The offense is a Class A misdemeanor if the unpaid balance is less than \$10,000, and a third degree felony otherwise. (Effective September 1, 1979)

House Bill 901 raises the penalty for assault if committed against a classroom teacher, counselor, principal, or similar employee of a public school who is engaged in performing his or her educational duties. (Effective August 27, 1979)

House Bill 1117 adds a fine of up to \$10,000 to the penalty for commission of a first degree felony. Previously, the first degree and capital felony offenses were the only graded offenses in the Penal Code that did not carry a fine. (Effective September 1, 1979)

House Bill 1375 makes it an offense for a person to knowingly harbor a child with criminal negligence as to whether the child is under the age of 18 years and is a runaway unless: (1) the person is related to the child within the second degree by consanguinity or affinity; or (2) the person reports the presence of the child within 24 hours after discovering that the child is a runaway. (Effective September 1, 1979)

House Bill 1730 amends the law prohibiting the driving of an automobile while under the influence of a drug to bring its provisions into line with the requirements of specificity embodied in the Penal Code. Such an offense is a Class A misdemeanor for first conviction and a third degree felony for subsequent offenses. (Effective September 1, 1979)

House Bill 1741 substantially rewrites the Penal Code sections outlining the offense of commercial obscenity. The act expands the types of depictions that may be declared obscene and provides harsher penalties for those who promote obscene materials for the purpose of resale than for others who deal in obscenity. In addition, the act provides two new presumptions: that a person who possesses certain quantities of obscene materials does so with intent to promote them and that a person who promotes obscene materials in the course of business does so with knowledge of its content and character. (Effective September 1, 1979)

House Bill 1742 makes it an offense for a person to employ, authorize, or induce a child to engage in a sexual performance or to produce, direct, or promote a child's sexual performance. The act also provides for penalties against a parent or guardian who

consents to his or her child's sexual performance. (Effective September 1, 1979)

Procedure

Senate Bill 106 provides that a court shall grant a motion to set aside a complaint if the state is not ready for trial within 60 days of the commencement of a criminal action if the defendant is accused of a misdemeanor punishable by fine only. Previously, in such misdemeanor cases the state had to be ready for trial within 30 days. (Effective September 1, 1979)

Senate Bill 168 provides for the forfeiture of all money seized that is found to have been derived from the sale, manufacture, distribution, dispensation, delivery, or other commercial undertaking involving controlled substances in violation of the Texas Controlled Substances Act. Proceedings relating to disposition of money or property seized under the act must be instituted within 10 days. The money and property may be forfeited to the state or any agency of the state or to a political subdivision of the state authorized by law to employ peace officers. (Effective September 1, 1979)

Senate Bill 216 allows an offense of possession or delivery of marihuana to be prosecuted in the county where the offense was committed or, with the consent of the defendant, in a county that is adjacent to and in the same judicial district as the county where the offense was committed. This makes it possible for marihuana cases to be prosecuted in more populous counties where juries can be more conveniently impaneled. (Effective March 7, 1979)

Senate Bill 374 clarifies the conditions that must exist for a person to have all records and files relating to an arrest expunged, provides that the procedure for petitioning for expunction is ex parte, directs the court to set a hearing on the matter no sooner than 30 days from the filing of the petition, sets fees in proceedings for expunction of criminal records, and strengthens provisions providing for confidentiality of the proceedings. (Effective August 27, 1979)

Senate Bill 430 expands the application of the law providing for licensing and regulation of bail bondsmen by making it applicable to all counties with populations over 110,000. (Effective August 27, 1979)

Senate Bill 439 provides that the defendant and the state must be notified by certified mail if the trial court modifies the trial record or adds a supplemental record. Both the defendant and the state then have five days to make objections to the

modification or supplementation. Previous law provided for a hearing on the objections to the record but did not require notification to the defendant and the state of modification or supplementation of the record by the court. (Effective August 27, 1979)

Senate Bill 442 provides that the clerk of the trial court shall send notice of the approval of the record in the case by certified mail to the parties or their respective counsel. The 30-day time period in which the defendant must file his or her appellate brief with the clerk of the court commences with the mailing of the notice. This provides a mechanism for both the state and the defendant to know when the time period for filing the appellate brief begins. (Effective August 27, 1979)

Senate Bill 446 provides that the commissioners court of any county having four or more county courts and four district courts may appoint one or more public defenders. The act also specifies the qualifications that such a public defender must meet, provides for salaries to be set by the commissioners court and paid by the county, and forbids a public defender to maintain a criminal practice outside of his or her office. Any indigent person who is charged with a criminal offense or who is a party in a juvenile delinquency proceeding is entitled to be represented by a public defender or a court-appointed attorney. Inquiries may be made into the financial condition of a defendant to determine if he or she is indigent. A substitute attorney may be assigned at any stage of the proceedings in such cases. (Effective August 27, 1979)

Senate Bill 449 provides that when a criminal case is set for pretrial hearing, a defendant must raise or file any preliminary matter no later than seven days before the hearing. Matters not raised within this period will not be allowed to be raised or filed except by permission of the court for good cause. The defendant must also be given enough notice to allow him or her not less than 10 days in which to raise or file preliminary matters. Previously, the defendant was allowed only five days after notice of the setting of the hearing in which to raise or file preliminary matters. (Effective August 27, 1979)

Senate Bill 518 expands the mechanism allowing a criminal defendant charged with an offense punishable only by a fine to have the court dispose of the case by mail if the defendant mails to the court a plea of guilty or nolo contendere and a waiver of jury trial. The act allows setting the amount of an appeal bond by mail if requested by the defendant. (Effective September 1, 1979)

Senate Bill 529 specifically includes among the duties imposed on magistrates and peace officers the duty to prevent conduct or take action in response to conduct by a person against a spouse or the spouse's property. Previous statutes included

conduct against one's spouse by implication, but did not specifically mention conduct against a spouse. (Effective September 1, 1979)

Senate Bill 849 provides that a subpoena is served if a copy of it is delivered to the witness. Previously, the only method of serving a subpoena was to read it to the witness. (Effective August 27, 1979)

Senate Bill 854 provides that, prior to accepting a plea of guilty or nolo contendere, the court shall admonish the defendant that the defendant is required to obtain the court's permission to prosecute an appeal on many contentions if the punishment assessed does not exceed that recommended by the prosecutor and agreed to by the defendant and his or her attorney. (Effective September 1, 1979)

Senate Bill 855 provides that the requirement that counsel's instructions be in writing is complied with if they are dictated to the court reporter in the presence of and with the consent of the court before the reading of the court's charge to the jury and are subsequently transcribed, endorsed with the court's ruling and official signature, and filed with the clerk in time to be included in the transcript. (Effective September 1, 1979)

Senate Bill 856 provides that when the attorney for the state files an answer, motion, or other pleading relating to a petition for a writ of habeas corpus or the court issues an order relating to a petition for a writ of habeas corpus, the clerk of the court shall mail or deliver a copy of the answer, motion, pleading, or order to the petitioner. (Effective September 1, 1979)

Senate Bill 1202 provides that only a judge of a statutory county court, district court, the Court of Criminal Appeals, or the Supreme Court may issue search warrants to search for property or items constituting mere evidence tending to show that a particular person committed an offense. (Effective June 11, 1979)

Senate Bill 1255 authorizes the Texas Rehabilitation Commission to obtain criminal history record information relating to an applicant for rehabilitation services or to a client of the commission. The information is to be treated as privileged and confidential. (Effective June 13, 1979)

House Bill 354 amends the Texas Controlled Substances Act to clarify and make procedural changes in the act. Practical application and court interpretations since the passage of the act had demonstrated some drafting oversights and other problems that have tended to thwart some of the purposes of the act. House Bill 354 clarifies definitions and classifications of various substances, makes changes in registration requirements for

manufacturers, distributors, and analyzers of controlled substances, prohibits practitioners from prescribing or administering controlled substances except for a valid medical purpose, makes it unlawful for a person to attempt to obtain a controlled substance by misrepresentation, fraud, or forgery, changes venue requirements in cases of seizure of conveyances transporting contraband, and amends the definition of "dangerous drugs" in the dangerous drug act. (Effective May 2, 1979)

House Bill 370 solves the problems encountered by counties that do not have an office of medical examiner concerning payment for autopsies when a justice of the peace orders the autopsy to be performed outside the county. The act makes it clear that the county in which a justice of the peace orders an autopsy must pay for the autopsy and transportation of the body rather than the county in which the autopsy is actually performed. (Effective May 24, 1979)

House Bill 671 provides that the use of a prior conviction to enhance punishment shall not preclude the subsequent use of that prior conviction for enhancement purposes. For example, a person released on parole from a life sentence as a habitual criminal could be again convicted, on commission of another crime, as a habitual criminal based on the same offenses that were used to establish his or her habitual status the first time. Previously, case law did not allow this practice. (Effective June 7, 1979)

House Bill 875 raises the reimbursement paid to a nonresident witness in a criminal case from a maximum of \$25 to a maximum of \$50 per day for daily living expenses and from 12 cents to 16 cents per mile for travel expenses. (Effective September 1, 1979)

House Bill 1094 provides that the state can amend the motion to revoke probation at any time up to seven days before the date of the hearing on the question of continuing, modifying, or revoking probation. After that, the motion can be amended only for good cause shown. In no event can the motion be amended after the taking of evidence at the hearing. Previously, the court could allow a motion to be amended at any time prior to or during the hearing. (Effective August 27, 1979)

House Bill 1135 provides that a criminal trial may proceed to its conclusion in the voluntary absence of the defendant after a jury has been selected. The U.S. Supreme Court has ruled that jeopardy attaches when the jury is empaneled, and the change in the statutory law reflects this recent Supreme Court ruling. (Effective August 27, 1979)

House Bill 1275 provides for the compilation of photographs and certain documents by the Department of Public Safety to help identify persons convicted of driving while intoxicated or driving

while under the influence of drugs. The photographs and documents may be used as evidence in subsequent prosecutions, for example, to prove that the defendant in the subsequent prosecution is the same person who was convicted of the previous offense in order to exact a higher penalty. (Effective September 1, 1979)

House Bill 1319 adds two new conditions under which a change of venue may be granted upon motion of the defendant: (1) for the convenience of parties and witnesses and in the interest of justice; and (2) in those cases where the defendant stipulates that a plea of guilty will be entered. (Effective August 27, 1979)

House Bill 1565 provides that the defendant and the state shall file an original and one copy of their respective appellate briefs or the number of copies required by the rules of the Court of Criminal Appeals, if that number is different. No more than 10 copies can be required by the rules. Previously, copies were to be provided to each judge and commissioner of the court, but it was felt that this number of copies merely presented a storage problem. (Effective September 1, 1979)

House Bill 1566 provides that, if the court rejects a plea bargaining agreement and the defendant withdraws a plea of guilty or nolo contendere, neither the fact that the defendant entered the plea nor any statements made by the defendant on the plea may be used against him or her at a subsequent criminal proceeding. The act removes language that could prohibit the state from introducing at a subsequent trial any evidence used at the hearing on the withdrawn plea. (Effective September 1, 1979)

House Bill 1571 provides a mechanism by which the Court of Criminal Appeals can determine if its mandate affirming the judgment of a lower court has been executed. The clerk of the trial court receiving the mandate must send the Court of Criminal Appeals an acknowledgement of receipt of the mandate, and the sheriff responsible for the arrest and delivery of the defendant for execution of the sentence must notify the clerk and the Court of Criminal Appeals when the mandate has been carried out. (Effective September 1, 1979)

House Bill 2091 limits the circumstances in which a search warrant may be issued to search a news media office and seize items there. (Effective September 1, 1979)

House Bill 2107 provides a mechanism by which persons pleading guilty or nolo contendere to certain nonviolent misdemeanor offenses may be placed on community-service probation without an adjudication of guilt. If the defendant successfully completes community-service probation the court will dismiss the proceedings without the defendant ever having been found guilty. (Effective September 1, 1979)

EDUCATION

Public Education

Senate Bill 350, the school finance bill, provides a number of important changes in the financing of public education. The changes are intended to provide equal educational opportunity for all students, to equalize per student expenditures, and to resolve past disparities between urban and rural districts. Major provisions of the bill include:

(1) a 5.1 percent increase in teacher salaries, which, when added to annual step increases for years of service, means increases of from 7 to 10 percent for certain teachers;

(2) numerous changes in the comprehensive special education program to conform to federal law and court decisions relating to the rights of the handicapped;

(3) modified eligibility requirements and increased support for educationally disadvantaged students, coupled with a requirement that the Central Education Agency administer tests to determine the basic skills competencies of students at various grade levels;

(4) new state aid for fast-growing school districts;

(5) increased state funding for maintenance and operating costs;

(6) increased equalization aid for poor and moderate wealth districts, with elimination of intangibles from the local tax base and the requirement that valuation of agricultural land be based on productivity; and

(7) reduced rates for calculating the local share of foundation school program cost.

Total state expenditures for the next biennium under this act amount to approximately \$1.2 billion more than was expended for the previous biennium. (Effective August 27, 1979)

House Bill 508 returns the operation of public schools to the semester system, requiring either two or three semesters during each school year, and deletes the language relating to the quarter system. School districts may operate under either the quarter or the semester system during the 1979-80 school year, but all must be on the semester system by 1980-81. (Effective May 24, 1979)

House Bill 8 permits teachers to remove a student from class in order to maintain effective discipline in the classroom. It permits removal and recommendation for suspension if a student assaults a teacher or repeatedly interferes with the teacher's ability to communicate effectively with the majority of students in the class. It also provides procedures for hearings and actions that may be taken on recommendations for suspension. (Effective August 27, 1979)

House Bill 20 provides that the possession of any intoxicating beverage on public school grounds or in public school buildings is a Class C misdemeanor. (Effective August 27, 1979)

House Bill 455 repeals the requirement that a school bus driver give bond. (Effective May 24, 1979)

House Bill 679 allows school districts with fewer than 150 students in average daily attendance to be governed by a board of three or five trustees instead of seven trustees as provided by general law. The action requires approval of the voters in the district and may be initiated either by petition of the voters or by the board of trustees. (Effective August 27, 1979)

House Bill 771 makes a variety of changes in order to provide a smooth transition from county school administration, which was effectively abolished by a law enacted in 1977. The changes include:

(1) providing automatic abolition of county school administration in counties in which all districts become independent;

(2) providing a method of appeals of school district decisions that were previously heard by county school administrators;

(3) relaxing restrictions on conversion of a common school district into an independent school district; and

(4) repealing or amending a number of sections of the Texas Education Code that were made obsolete by the abolition of county school administration. (Effective June 13, 1979)

House Bill 850 removes the requirement that the executive director of the Texas Closeup Program have experience as a public high school administrator. (Effective August 27, 1979)

House Bill 901 increases the penalty for assaults on teachers. When a classroom teacher, counselor, principal, or other similar instructional or administrative employee of an accredited primary or secondary school is assaulted while performing educational duties, the offense is a Class B misdemeanor instead of a Class C misdemeanor. (Effective August 27, 1979)

House Bill 986 prohibits a school district from listing employment opportunities with private employment agencies and from employing any person who is referred to the district by a private employment agency. (Effective August 27, 1979)

House Bill 1027 allows a facility of the Texas Youth Council to pay the tuition charged by a school district adjacent to the facility for the child of an employee of the facility who attends school in the district. (Effective June 7, 1979)

House Bill 1309 requires the State Board of Education to establish standards for school libraries; the standards must be met for accreditation of the school. (Effective August 27, 1979)

House Bill 1423 provides that school district employees shall have immunity from civil liability for damages or injuries resulting from administering prescription medication to a student if it appears to be properly labeled and in the original container. Previously, the school district must have received a written request from a licensed physician or dentist to administer the medication. (Effective June 7, 1979)

House Bill 1499 increases the number of school districts that may purchase school sites or construct school buildings through the issuance of negotiable notes rather than through the sale of bonds. Under prior law, only districts containing cities with a population of 160,000 or more could use this method of financing. The act reduces that population limit to include cities of 150,000 and also allows districts to qualify for this method of financing on the basis of a combination of geographical area, assessed taxable value, and rapid growth rate. The act also adds a requirement that the notes must be approved by the voters of the district in the same manner that bonds are approved. (Effective June 13, 1979)

House Bill 1575 allows the state commissioner of education to suspend as well as cancel certificates of teachers in certain circumstances, with the suspension lasting no longer than one year. The commissioner may also reprimand a teacher. (Effective August 27, 1979)

House Bill 1610 establishes a new program for the education of gifted and talented students under the foundation school program. The program is similar to a previous program that the act repeals, but a different funding mechanism is established and the maximum limit on funding for the program is increased from \$500,000 to \$5,000,000. Under the school finance bill, \$2,000,000 is provided for this program for 1979-80 and \$3,000,000 is provided for 1980-81. (Effective August 27, 1979)

House Bill 1737 provides that the Texas Board of Health will determine the public school district employees and volunteers who are required to furnish proof of examination for tuberculosis and will set administrative rules regarding examinations and reexaminations. The governing body of each public school is required to verify that its employees and volunteers who are required by the Texas Board of Health to be examined have the required certificates. (Effective May 11, 1979)

House Bill 1906 provides that the board of trustees of an independent school district may call an election to determine the use of unissued school bonds previously voted or authorized for a

specific purpose in the event that the purpose has been accomplished or abandoned. (Effective June 14, 1979)

House Bill 1990 requires the Dallas Independent School District, beginning in 1982, to elect three members of its nine-member school board each year for terms of three years. Under prior law, the district elected four or five members biennially for terms of four years. In addition, the act requires that the election of school board members be conducted jointly with the election of city officers in the largest city in which the school district is located or with the election of the governing board of the largest community college in which district the independent school district is located. (Effective September 1, 1979)

House Bill 2096 requires that a child enrolling in school in Texas for the first time be examined by a physician or optometrist for visual defects or undergo a vision screening test approved by the Texas Board of Health. The Texas Department of Health shall assist school districts in developing vision screening programs. An advisory committee on vision screening and an interagency committee on children's vision are established. (Effective September 1, 1979, except that requirements for screening are effective September 1, 1980)

Senate Bill 386 directs the Central Education Agency to reimburse school districts \$20 per day rather than \$15 per day for the cost of providing teacher sick leave. (Effective August 27, 1979)

Senate Bill 413, like House Bill 771, is an attempt to ease the transition from county school administration. It allows members of the boards of trustees of common school districts that were reclassified under the 1977 act as independent school districts to serve for the remainder of the terms to which they were elected. In addition, the act provides that the new governing boards of the converted districts shall contain the same numbers of trustees elected for the same terms of office as provided by law for the prior boards. The 1977 act would have required some districts to expand the boards of trustees and have longer terms of office. (Effective February 22, 1979)

Senate Bill 789 changes the day on which the commissioner of education recommends to the State Board of Education the names of persons for appointment to the state textbook committee. The change made is from the first Monday in May to the second Saturday in May in order to conform to the day of a state board meeting. (Effective June 6, 1979)

Senate Bill 883 removes the requirement that bonds of school districts of the state be first offered for purchase to the State Board of Education. It authorizes the board to contract with a

commercial bank to collect payments of dividends and interest on securities in which the permanent school fund is invested and authorizes the use of these securities in a fully secured stock and bond loan program. (Effective June 13, 1979)

Senate Bill 903 transfers the functions of the State Board of Examiners for Teacher Education to the newly created Commission on Standards for the Teaching Profession, with members appointed by the State Board of Education. The board shall adopt regulations concerning teacher certification after considering recommendations by the commission. Certain statutory requirements for teacher certification are repealed. (Effective August 27, 1979)

Senate Bill 986 removes smallpox from the list of immunizations required of persons admitted to any elementary or secondary school or institution of higher education. All schools must keep individual immunization records for each attending student and cooperate in transferring the records to other schools. The act also provides that affidavits certifying required vaccinations must be signed by a physician licensed to practice medicine in the United States, rather than only doctors registered and licensed under the Medical Practice Act of Texas. (Effective June 6, 1979)

Senate Bill 1082 allows school districts and certain county school boards to contract with nonschool organizations for the organizations' use of school buses; previously, such contracts were limited to governmental agencies and nonprofit organizations. The district may also provide for maintenance and operation of the buses. (Effective August 27, 1979)

Senate Bill 1195 makes several changes in the law relating to the selection of depositories for school district funds. The act makes all independent school districts subject to the School Depository Act and allows a school district to choose a depository that is not located within the school district. (Effective August 27, 1979)

Senate Bill 1218 specifies that foster children shall be permitted to attend public schools in the district in which the foster parent resides. No durational residence requirement may be used to prohibit a foster child from fully participating in any activity sponsored by the school district. (Effective June 11, 1979)

Higher Education

House Bill 38 establishes a new program to provide student loans for college students in accordance with the federal Higher Education Act of 1965. The program is to be administered by a

public nonprofit corporation, which is governed by a board appointed by the governor. The corporation will use its funds to guarantee loans made by eligible private lenders. The act provides an initial appropriation of federal funds to the corporation, but requires that all other present and future expenses of the corporation be paid from the income of the corporation. The state is not liable for the debts of the corporation. In order to solve the problem of high default rates on student loans under prior federal and state programs, the act requires the corporation to bring suit against defaulting borrowers as soon as practicable and prohibits the comptroller of public accounts from issuing a warrant to any person who is in default on a student loan. (Effective August 27, 1979)

House Bill 864 provides that the Board of Regents of Texas Woman's University may establish a state historical collection of items illustrating the history of women in Texas. The collection shall be titled "The History of Texas Women," and it shall be housed at Texas Woman's University. (Effective June 11, 1979)

House Bill 1030 allows the governing board of public institutions of higher education to furnish one copy of certain fiscal reports to the House Appropriations Committee rather than provide each member of the committee with a copy. (Effective August 27, 1979)

House Bill 1123 grants the power of eminent domain to the Texas Southern University Board of Regents for the acquisition of land in Harris County that is contiguous or adjacent to the campus when needed for expansion. (Effective August 27, 1979)

House Bill 1237 provides new age qualifications and establishes rules for dependency in determining Texas residence for the purpose of setting tuition for students in institutions of higher education. (Effective August 27, 1979)

House Bill 1389 clarifies the definition of student services and provides that the president of an institution of higher education may consider the recommendations of a student fee advisory committee prior to recommending any student fee raises; the regents may consider such raises in open meeting. The maximum total compulsory student services fee for one semester is raised from \$30 to \$60 for each student, and the act allowing medical service fees is repealed. (Effective September 1, 1979)

House Bill 1426 provides that, to the extent approved by students, the Board of Regents, Texas State University System, may levy student fees at Southwest Texas State University to operate the student center. (Effective August 27, 1979)

House Bill 1523 authorizes the Board of Regents of The

University of Texas System to lease the Jennie Sealy Hospital and the R. Waverly Smith Pavilion for the use of The University of Texas Medical Branch at Galveston. (Effective September 1, 1979)

House Bill 1735 makes the state liable for certain claims against persons serving on governing boards of a foundation, corporation, or association at the request and on behalf of The University of Texas System. The claims for damages must be based on actions or omissions by the person in the scope of his or her official duties. The attorney general will provide a defense in all such actions. (Effective August 27, 1979)

House Bill 2146 allows the student union fee at The University of Texas at Austin to be raised to a maximum of \$14 for each regular semester and \$7 for each summer term upon the approval of the student body. (Effective June 13, 1979)

Senate Bill 227 allows the Board of Regents of The University of Texas System to levy a student union fee at The University of Texas at San Antonio in order to construct and operate a student union building. The fee may be levied or increased only with the approval of the majority of students voting in an election on the issue. (Effective April 11, 1979)

Senate Bill 284 allows the governing board of a public institution of higher education to expel foreign students who are attending school under nonimmigrant visas and who have been finally convicted of certain offenses, including some types of disorderly conduct, disruptive behavior, and specified property damage. (Effective June 13, 1979)

Senate Bill 356 allows a student who is enrolled for half of a full course load required in his or her degree plan to be eligible for tuition equalization grants. The act changes the maximum grant sum from \$600 to an amount equal to 50 percent of the average state appropriation for a student at public senior colleges or universities. (Effective August 27, 1979)

Senate Bill 371 changes the name of the Texas Tech University School of Medicine to Texas Tech University Health Sciences Center and provides that the center be composed of a medical school and other components assigned by law or by the coordinating board. (Effective June 6, 1979)

Senate Bill 526 provides that payment of royalties on oil and gas and all related payments, fees, and penalties for the benefit of the permanent university fund be made to the Board of Regents of The University of Texas System instead of to the commissioner of the General Land Office. The act also substitutes the system's board of regents for the board for lease of university lands in certain circumstances and sets out rules for the payment of

royalty. (Effective September 1, 1979)

Senate Bill 530 revokes the authority of the Coordinating Board, Texas College and University System, to set lower tuition fees for foreign students and leaves unchanged language which states that tuition for students who are citizens of countries other than the United States is the same tuition required of other nonresident students. (Effective August 27, 1979)

Senate Bill 532 removes certain restrictions on small classes offered by institutions of higher education and states that no small classes shall be offered except as authorized by governing boards and within guidelines established by the Coordinating Board, Texas College and University System. (Effective August 27, 1979)

Senate Bill 562 provides that, to the extent approved by the students, the boards of regents may levy student fees at Stephen F. Austin State University and at West Texas State University for the purpose of operating university centers at the two campuses. (Effective June 6, 1979)

Senate Bill 576 authorizes the establishment of a university in downtown Houston to be administered by the Board of Regents of the University of Houston System. The institution will be named University of Houston-Downtown College. (Effective August 27, 1979)

Senate Bill 638 allows the mandatory student services fee to be waived by one university when a student is concurrently enrolled in programs involving two or more institutions within a university system. The fee will continue to be paid to the "home institution" as designated under the joint or cooperative program, and the governing board of the system may waive payment at other institutions providing that the waiver does not conflict with any agreement regarding outstanding bonds. (Effective April 26, 1979)

Senate Bill 686 allows Texas Tech University to charge a recreation fee of not more than \$25 to each student enrolled in the university. The fee may be levied and the amount adjusted only with the approval of a majority vote in a student election called for the purpose of approving the fee. (Effective August 27, 1979)

Senate Bill 692 allows the Board of Regents of The Texas A & M University System to levy a student fee at Tarleton State University for the Tarleton State University Student Center. The act provides for the collection and use of the money and states that the decision to levy the fee and the amount of the fee must be approved by the student body. (Effective June 6, 1979)

Senate Bill 736 provides that the Board of Regents, Texas State University System, shall have the exclusive management and

control of land acquired by universities under its authority. The act also allows the board to accept donations, gifts, grants, and endowments for the universities under its control. (Effective June 13, 1979)

Senate Bill 906 transfers the government and operation of Texas Eastern University to the Board of Regents of The University of Texas System and changes the name to The University of Texas at Tyler. (Effective September 1, 1979)

Senate Bill 1203 provides that the Coordinating Board, Texas College and University System, shall fix the interest rate to be charged for student loans "from time to time," rather than annually. (Effective June 6, 1979)

Senate Bill 1245 authorizes the Board of Regents of Midwestern State University to levy a student fee for operating the university center. The decision to levy such a fee and the amount of the fee must be approved by the student body. (Effective June 6, 1979)

Miscellaneous

Senate Bill 609 states that American Sign Language is recognized as a language and that it may be taught in public school programs for hearing and deaf students. College students are entitled to count credit received for a course in American Sign Language toward satisfaction of foreign language requirements at certain schools. (Effective August 27, 1979)

ELECTIONS

Four bills enacted during the 66th Legislature in the area of elections were of major significance. They are House Bill 1150, House Bill 544, Senate Bill 1260, and House Bill 2104.

The election contest brought against a member of the House of Representatives just before the 66th regular session revealed several shortcomings in the procedure for contesting elections for the offices of state senator and state representative. House Bill 1150 revises those procedures in light of the experience gained from that contest. The act changes existing procedures, adds new procedures, and clarifies areas of uncertainty in the statute controlling these contests.

Among the significant changes made by House Bill 1150 are:

(1) the deadline for bringing contests is shortened and provision is made for submitting contests to the legislature before a regular session commences;

(2) the provision that required referral of contests to "the committee on privileges and elections" is replaced by authority for referral to a special or a standing committee or to a committee of the whole, and the requirement delaying referral until "after the organization of the Legislature" is eliminated; and

(3) the provision regarding the taking of parties' interrogatories is replaced by a provision making the discovery procedures that are applicable to civil suits generally applicable to these contests as well.

The most important new procedure added by the act is the authority to appoint a "master of discovery" to supervise discovery proceedings. Clarifications made by the act include:

(1) the grounds for the contests and scope of inquiry are the same as for election contests tried before a court;

(2) the costs of contests may be assessed against the parties;

(3) the procedures for hearing the contests are controlled by legislative rules; and

(4) contests are not actually "tried" before a house of the legislature in the sense of a trial before a court but rather heard before the committee to which they are referred. (Effective August 27, 1979)

House Bill 2104 prescribes two new rules governing assistance to voters in preparing their ballots. First, the act requires the person assisting a voter to read the entire ballot to the voter unless the voter informs the assisting person that he or she wishes to vote only in certain races. Second, the act prohibits a person who is not an election officer from assisting more than five voters not in the assisting person's immediate family in any single election. A violation of the five-voter limit is made a Class B misdemeanor. (Effective August 27, 1979)

House Bill 544 adds an additional ground for obtaining a recount of paper ballots. The act permits any closing candidate to obtain a recount in an election in which fewer than 1,000 votes were cast for all candidates for the office combined. (Effective August 27, 1979)

Senate Bill 1260 provides that a person whose name is on the list of cancelled voter registrations is entitled to participate in a political party's conventions if that person voted in that party's primary. The second part of the act provides a recourse to voters whose voter registrations have been cancelled because of a clerical or postal error. (Effective August 27, 1979)

Election Procedure

House Bill 408 changes the maximum hourly wage for election judges and clerks from \$2.50 to \$3. The maximum amount the judge who delivers the returns of an election may be paid is increased from \$15 to \$20. (Effective August 27, 1979)

House Bill 435 removes the requirement that election judges must be served with notice of their appointments by certified mail and substitutes a provision permitting notification by mail or personal delivery. (Effective August 27, 1979)

House Bill 436 removes the requirement that a specific number of ballots be furnished to each voting precinct and substitutes a provision requiring a number sufficient to conduct the election. The act prescribes procedures for accounting for ballots supplied for both regular and absentee voting. (Effective August 27, 1979)

All of the provisions of House Bill 923 are in House Bill 436, but House Bill 923 was repealed by the final section of House Bill 436.

House Bill 857 expands the permissible scope of the November general election held in even-numbered years to include election of officers of home-rule cities with 30,000 or fewer inhabitants that elected their officers in that election prior to 1975. (Effective August 27, 1979)

House Bill 1677 permits as many absentee voting suboffices in a justice precinct as there are justices of the peace elected in the precinct in counties having a population exceeding 1.5 million. (Effective August 27, 1979)

Senate Bill 67 changes the requirement for posting notice of county and municipal bond elections by eliminating the requirement that a copy of the election order be posted in each election precinct and requiring instead that it be posted at three public places in the county or municipality holding the election. (Effective August 27, 1979)

Senate Bill 1187 provides that the names of the candidates on the list of primary election candidates that is filed by the state and county party chairmen are to be entered as they are to appear on the primary ballot. The act requires the list to include each candidate's address. (Effective August 27, 1979)

Senate Bill 1191 liberalizes the law governing the method of transmission of the county primary election results to the state executive committee by permitting delivery by any method in which the sender receives a receipt from the carrier indicating the date of deposit with the carrier. (Effective August 27, 1979)

Voting

House Bill 434 expands the grounds for voting absentee to include persons who participate in the administration of the election by reason of their employment. (Effective August 27, 1979)

House Bill 575 clarifies the meaning of the term "informal application" for an absentee ballot by defining the term as an application that is not made on an official absentee ballot application form. (Effective August 27, 1979)

House Bill 2025 makes the regulations that govern the signing of an application for voter registration by a witness when the applicant is unable to sign his name applicable to the signing of an application for an absentee ballot. The act also prohibits a person who is not an absentee voting clerk or deputy clerk from witnessing more than one absentee ballot application unless the applicant is a member of the witness' immediate family. A violation of the one-witness limit is made a Class B misdemeanor. (Effective August 27, 1979)

Senate Bill 1122 provides for the issuance of corrected voter registration certificates instead of the issuance of new ones. (Effective August 27, 1979)

Political Campaigns

House Bill 918 prohibits obtaining signatures for an independent candidate's application until the day after the primary

election on the office sought by the independent candidate. (Effective August 27, 1979)

House Bill 1007 establishes a definite time period within which a candidate for public office must file his application for a place on the ballot. The act requires that the application be filed not earlier than 30 days before the prescribed filing deadline. (Effective August 27, 1979)

Senate Bill 557 increases the filing fees a candidate for the constitutional office of county judge must pay from \$300 to \$600 and the fees for the statutory office of county judge from \$300 to \$700. The act applies to the primary election ballot only. (Effective August 27, 1979)

Senate Bill 1192 allows five extra days for state chairmen of political parties to distribute filing fees for district offices to the county chairmen. (Effective August 27, 1979)

Senate Bill 1209 changes the dates that the September convention of a political party may be held from between the first and third Tuesdays in September, exclusive, to between the first Tuesday and the last Saturday in September, inclusive. (Effective August 27, 1979)

House Bill 500 deals with the office hours of the county clerk, county tax assessor-collector, and county elections administrator. The act requires the office of the county clerk to be open on election day for statewide general and primary elections if the county does not have a county elections administrator. If the county has an elections administrator, the act requires that that office must be open on election day. In counties where the tax assessor-collector serves as voter registrar, the act requires that the tax assessor-collector's office also be open. (Effective August 27, 1979)

House Bill 543 requires the commissioners court in counties having a population of 500,000 or more to give written notice of any meeting in which an election precinct boundary change will be considered to each chairman of a political party and to all affected precinct judges and presiding precinct election judges. The act requires seven days' notice to the same people of any change made in election precinct boundaries. Failure to give the notice nullifies the boundary change. (Effective August 27, 1979)

Senate Bill 1189 changes the meeting time for the county primary committee from the fourth Monday in March to any time within the eight-day period beginning the third Monday in March and ending the fourth Monday in March. (Effective August 27, 1979)

Senate Bill 1190 changes the date for canvassing primary

election returns by the state executive committee from the second Tuesday to the second Thursday following the general primary. (Effective August 27, 1979)

ENERGY

House Bill 1490 redefines the term "by-product" in the Natural Resources Code and states that the Railroad Commission of Texas is responsible for control of waste and prevention of pollution from activities associated with geothermal resources. It also makes a declaration of policy relating to geopressured geothermal resources in Texas. (Effective August 27, 1979)

House Bill 1803, in an effort toward establishing gasohol as an alternative energy source in Texas, allows the Texas Industrial Commission to make loans to build alcohol-producing plants. Maximum loan limits are set at \$25,000 for any one legal entity and \$500,000 for a small business corporation. (Effective June 7, 1979)

House Bill 1986 will help clear the way for the manufacture of gasohol in Texas by authorizing the issuance of local industrial alcohol manufacturer's permits. A holder of one of these permits may manufacture alcohol for fuel or industrial purposes. The permittee, however, may not produce alcohol suitable for human consumption. Sponsors of the legislation hope that alcohol manufacturing will provide a new market for agricultural products used in the process, such as sugar and grain, as well as help alleviate the energy shortage. (Effective June 7, 1979)

Senate Bill 204 exempts solar and wind-powered energy devices from all state and local property taxes. (Effective January 1, 1980)

Senate Bill 921 creates The Texas Energy and Natural Resources Advisory Council and abolishes the Texas Energy Advisory Council and the Natural Resources Council. The act provides for the appointment of members and staff for the council and establishes the energy analysis and development division and the energy conservation division. It sets out the functions of the council and provides that, with the advice of the council and approval of the cochairmen, the executive director may issue orders to implement programs and priorities concerning the allocation and conservation of fuels. (Effective September 1, 1979)

ENVIRONMENT

After the United States Congress adopted extensive amendments to federal surface mining regulatory laws covering coal and lignite, it was necessary for Texas to adopt a new statute relating to the regulation of coal and lignite that would be compatible with these federal amendments. House Bill 1424, House Bill 1368, and House Bill 1814 were passed by the 66th Legislature to conform state regulations to the new federal law.

House Bill 1424 is the new Texas Surface Coal Mining and Reclamation Act, which provides a method for regulating the surface mining of coal and lignite in the same manner as provided by federal law. (Effective May 9, 1979)

House Bill 1368 and House Bill 1814 amend the state law that formerly regulated all types of surface mining to limit its applicability to uranium surface mining, to update certain provisions, and to make other necessary changes. (House Bill 1368 effective June 6, 1979; House Bill 1814 effective August 27, 1979)

House Bill 726 amends the Texas Clean Air Act to conform it to certain requirements of the Federal Clean Air Act of 1977. It changes the composition of the Texas Air Control Board to provide that a majority (five) of the members be public members. It also authorizes the board to conduct a study, implement a pilot program, and make recommendations regarding motor vehicle inspection and maintenance with emphasis on controlling motor vehicle emissions. (Effective June 6, 1979)

Senate Bill 252 designates the Texas Department of Water Resources as the state agency responsible for the regulation of solid waste when both municipal and industrial wastes are involved. Previous law delegated that responsibility to the Texas Department of Health. (Effective August 27, 1979)

FAMILY LAW

Senate Bill 117 gives a living child born as a result of an abortion the same rights, powers, and privileges under Texas law as are granted to any child born alive after the normal gestation period. It also provides for termination of the parent-child relationship except with respect to a parent who had no knowledge of the abortion or consented for the sole purpose of preventing the mother's death. An authorized representative of the Texas Department of Human Resources may assume the care, control, and custody of a child born alive as the result of an abortion. (Effective June 13, 1979)

Senate Bill 131 amends several sections of the Family Code dealing with relationships between the husband and wife. First, it streamlines the language on transfers and debts pending in a divorce decree. To void a transfer or debt, a spouse must prove that the person who dealt with the other spouse in making the transfer or incurring the debt knew that there was intent to injure the rights of the one who is seeking to void his or her liability in the matter.

In addition, the act eliminates the requirement that the husband be unable to support himself before temporary or continuing support should be required of the wife. Previously, there were differing requirements for husband and wife, so that the law did not conform to the Texas Equal Rights Amendment.

Finally, Senate Bill 131 adds a new section allowing for joint management by both parents of the earnings of an unemancipated child. (Effective August 27, 1979)

Senate Bill 143 establishes guidelines for recognizing out-of-state decrees in child custody questions and establishes a uniform procedure for Texas courts to determine jurisdiction on custody questions. (Effective June 13, 1979)

Senate Bill 172 specifically allows parents in an amicable divorce proceeding to enter into a written agreement that provides for modifications of agreements relating to conservatorship and support of the child and allows both parents to participate as joint managing conservators of the child. Previously, there was no prohibition against joint managing conservators in a divorce proceeding, but the courts were reluctant to grant such a settlement without specific language allowing such a procedure. (Effective August 27, 1979)

Senate Bill 451 provides that a finding by the court that a child has engaged in delinquent conduct or conduct indicating a need for supervision cannot be based solely on the testimony of an accomplice but must be corroborated by other evidence that connects the child with the alleged conduct. (Effective August 27, 1979)

Senate Bill 540 allows a law enforcement officer to photograph the face of a child taken into custody or detained in connection with an investigation of a criminal offense if the officer has reason to believe that the photograph will help in identifying the offender. If the child is not identified as an offender, or if the child is not referred to the juvenile court for the offense, the photograph and negative are to be destroyed immediately. If the child is identified and referred to the juvenile court, the photograph and negative are to be turned over to the court. (Effective June 11, 1979)

Senate Bill 541 adds two new grounds on which it is permissible to hold in a detention facility a child taken into custody: (1) the child is accused of committing a felony offense and may be dangerous to himself or others; and (2) the child has a history of previous convictions and is likely to commit other offenses if released. (Effective June 11, 1979)

Senate Bill 768 clarifies the law and procedure involved when the state or a local government takes possession of a child found in an emergency. Several court decisions had questioned the constitutionality of the procedures previously in use. The new law provides a statement of the kinds of circumstances that must exist before a child may be seized without a prior court order or without the consent of the parents, requires a court hearing to be held before a child may be retained in custody for its own protection, and attempts to insure proper legal notice of the hearing to all persons who may have an interest in the child. Additionally, the new statute requires that any suit filed for the custody of a child by the state or a local government must be a suit affecting the parent-child relationship and must be brought under the general provisions of Title 2 of the Family Code. The prior law that permitted a child to be held without the institution of a regular suit affecting the parent-child relationship is repealed. (Effective September 1, 1979)

Senate Bill 886 provides that a person commits an offense if he or she takes or retains a child younger than 18 years out of the state when he or she knows that this action violates the express terms of a court judgment or order disposing of the child's custody. Previously, the law was written to be applicable to "temporary or permanent" judgments, a concept that is foreign to Texas civil practice and as a result has caused problems in prosecuting such violations. (Effective August 27, 1979)

House Bill 244, the Parental Responsibility Act, shifts some of the financial burden of delinquent behavior from the state and the victim to the parent of the child and gives the juvenile court power to affect the conduct of the child at home. It accomplishes this by: (1) changing the probation system for minors so that the court may order administrative costs up to \$15 per month to be paid

by the minor, his parents, or another person; (2) allowing the court to issue orders affecting the conduct of a parent or other person that has contributed to, caused, or encouraged the delinquent behavior; and (3) allowing the court to order the child or parent to make full or partial restitution for property damage caused by delinquent conduct, or as an alternative, to order the child to render personal service to a charitable or educational institution. These orders are enforceable by contempt citations. (Effective September 1, 1979)

House Bill 471 changes the language concerning blood tests in a paternity suit to allow the taking of blood for one or more blood tests. This change is made in response to new methods that require greater amounts of blood for various purposes in the testing procedure. The act also reduces the required number of experts making tests from two or more to one or more. This reduces the blood test fees charged to the parties in a paternity suit. (Effective August 27, 1979)

House Bill 735 changes provisions of the Family Code regarding involuntary termination proceedings so that if one parent voluntarily leaves the child without providing adequate support and fails to return in six months, and the other parent's parental rights are terminated, the absent parent's rights may be terminated to free the child for adoption, provided that the court finds that the termination is in the best interests of the child. (Effective August 27, 1979)

House Bill 994 broadens the class of persons authorized to conduct marriage ceremonies to include retired justices of the peace and retired judges of courts below the district level. Such a retired lower court official must be 65 years of age or older and must have retired after serving an aggregate of at least 15 years as a judge or justice of the peace. (Effective August 27, 1979)

House Bill 1109 requires that, in a hearing to modify the disposition of a child in need of supervision or a delinquent child, the court must hold a hearing on the merits or facts and make an affirmative finding that the child has violated probation before considering written reports from probation officers, professional court employees, professional consultants, and others in determining whether to modify the disposition. The act also provides that hearings on the disposition of runaways and delinquents who have absconded from other states may be held by a referee in accordance with provisions in the Family Code. (Effective August 27, 1979)

House Bill 1493 provides statutory law to identify the court having jurisdiction over a child whose parents have been divorced but have remarried and are seeking a second divorce. When the couple files in a new court a suit for the dissolution of the

second marriage combined with a suit affecting the parent-child relationship, the new court acquires jurisdiction over the child without a transfer from the court that formerly had jurisdiction as a result of the first divorce. (Effective August 27, 1979)

GOVERNMENT--CITY

Senate Bill 218 provides that any incorporated municipality may take possession of a cemetery for reasons of public health and welfare. This authority had been limited to cities located in counties of 500,000 or more inhabitants. The act also provides that a city may make repairs at public expense only if no additional gravesites are offered for sale. (Effective May 17, 1979)

Senate Bill 309 amends Article 2368a, V.T.C.S., the Bond and Warrant Law of 1931, relating to requirements for competitive bidding for public works contracts of cities and counties. The law had provided that requirements contained in a city's charter, if in conflict with the state law, were to be followed. In regard to the requirement of the furnishing of surety bonds by contractors, the act allows cities with conflicting charter provisions to follow current statutory bonding requirements. (Effective June 14, 1979)

Senate Bill 375 allows cities to determine how long to retain original public records that have been microfilmed. The law had set a minimum retention period of five years. The act also amends law relating to microfilm standards to permit the use of Computer-Output-Microfilm. (Effective August 27, 1979)

Senate Bill 582 amends the Local Sales and Use Tax Act, which authorizes the "city sales tax," to equalize the tax treatment of items brought into a city that has the city sales tax from places that do not impose the tax. Currently a tax is imposed if the item is brought into the taxing city from out of state, but the tax is not imposed if the item is delivered from within Texas. The unequal tax treatment of these items is probably in violation of the U.S. Constitution, and the new law will avoid a constitutional challenge by imposing the tax in both situations. A second part of Senate Bill 582 attempts temporarily to clarify certain language in the city sales tax act that determines when and where the local tax applies. The clarification was enacted for a two-year period only in order to determine if the new language will indeed be an improvement. (Effective June 13, 1979)

Senate Bill 718 provides cities located within 15 miles of the Rio Grande River the authority to construct toll or any other bridges and accompanying structures and improvements. (Effective August 27, 1979)

Senate Bill 773 amends Article 7244c, V.T.C.S., which requires all local taxing units to follow certain notice procedures before adopting a tax rate. A new section is added to permit home-rule cities, by ordinance, to establish a fiscal year different from the one authorized by charter for the purpose of

complying with this law. (Effective August 27, 1979)

Senate Bill 890 allows a general-law city to close a street or alley without an election. A petition signed by all owners of real property abutting the street or alley is still required for closure. (Effective August 27, 1979)

Senate Bill 999 amends Article 1187f, V.T.C.S., which relates to requirements and procedures for issuing bonds for construction and maintenance of harbor and port facilities of cities and towns of over 5,000 population on the Gulf of Mexico or its connecting waters. The city of Galveston finances the improvements and facilities of its port under this law. The act provides that no election is necessary for the issuance of bonds that are payable only from revenues other than taxes and that are not a debt of the city or a pledge of its faith or credit. (Effective May 17, 1979)

Senate Bill 1176 limits the gulfward boundaries of any general-law city or town to one mile beyond the coastline and voids the inclusion of territory in a general-law city or town beyond this limit. The act also validates the corporate existence of any general-law city or town established by incorporation of territory beyond the one-mile limit. (Effective June 14, 1979)

Senate Bill 1211 authorizes incorporated cities to create tax incremental districts and use tax increment financing to rehabilitate blighted areas in the districts. Under the program, public works and improvements in the blighted areas will be financed, directly and indirectly, from the increased property taxes collected (the tax increment) in the district because of the enhanced property values produced by the redevelopment. The act sets out the powers of cities in regard to tax increment financing through creation of such districts. At least 25 percent of a district must be considered blighted, and not more than 10 percent of a district can be residential. Project costs may be paid from a special fund created to receive the tax increments, out of the city's general funds, and from the proceeds of the sale of tax increment bonds or notes issued by the city. The bonds or notes are payable only out of the special fund. (Effective June 13, 1979)

Senate Bill 1318 applies to the issuance of refunding bonds by cities that own their water, sewer, and electric utility systems. The act removes certain requirements for refunding bonds payable solely from the net revenues of the water, sewer, and electric utility systems. (Effective June 13, 1979)

House Bill 1340 allows a general-law city to exercise zoning authority without appointing a zoning commission. A general-law city without a zoning commission must still adhere to notice requirements for such commissions, and the city's legislative body

may not make a zoning change until 30 days after the required notice. (Effective August 27, 1979)

House Bill 1483 amends the statute that permits cities of 500,000 or more inhabitants which annex entire water districts to issue voter-approved but unissued district bonds without an election. The act removes the population restriction to include all incorporated cities and adds municipal utility districts to the types of districts covered by the statute. (Effective August 27, 1979)

House Bill 1647 amends the statute under which Galveston finances improvements and facilities of its port to make the city's authority consistent with those of navigation districts. The act also authorizes the issuance of special project bonds secured solely by revenue from leases, subleases, sales, or contracts of sale with respect to the financed improvements and facilities. (Effective June 13, 1979)

House Bill 1781 allows a city that owns a sea life park and oceanarium to sell or lease the facilities for other uses. The act sets forth conditions for the sale or lease. (Effective May 15, 1979)

House Bill 1808 authorizes a general-law city to annex, under certain conditions, its airport, even though the annexed area is outside the city's extraterritorial jurisdiction or within another city's extraterritorial jurisdiction. (Effective August 27, 1979)

House Bill 1966 amends the law authorizing home-rule cities to adopt an ordinance that requires the demolition or repair of substandard buildings. The act removes the prohibition against forced sale of land to recover the expense of removal of a substandard building by the city. (Effective June 6, 1979)

House Bill 1974 amends the Water Code to authorize allocation agreements between a city and municipal utility districts. Such agreements, which must be approved by the Texas Department of Water Resources, provide for the continued existence of a district after its area is annexed by the city. Cities with a population of one million or less may include ratemaking provisions in the allocation agreement with a district. (Effective August 27, 1979)

House Bill 2100 authorizes cities of 1.2 million or more inhabitants to use "conduit financing" for construction of airport facilities. Under the act, Houston may provide tax-exempt financing in the form of municipal bonds to private entities. The facilities constructed or acquired through such bonds would be leased to the private entities who are obligated by the terms of the bonds to make payments of net rent, which are pledged to the payment of the bonds. The act exempts the city from competitive

bidding in spending proceeds from the bonds. (Effective June 13, 1979)

Validating Acts

Senate Bill 49 validates the incorporation, boundaries, and governmental proceedings of certain cities and towns with a population of 1,000 or less. (Effective June 13, 1979)

Senate Bill 929 validates the adoption or attempted adoption of a home-rule charter by an incorporated city or town. The act also validates governmental acts and proceedings under the charter. (Effective August 27, 1979)

House Bill 930 validates the incorporation and boundaries of municipalities that incorporated or attempted to incorporate under general law before January 1, 1975. (Effective August 27, 1979)

House Bill 1552 validates the incorporation and boundaries of general-law municipalities. The extension of boundaries into the extraterritorial jurisdiction of another city or town is excluded from validation. (Effective June 13, 1979)

GOVERNMENT--COUNTY

Senate Bill 13 amends Article 1651, V.T.C.S., which charges the county auditor with general oversight of all county books and records. Language is removed concerning the county auditor's role in the destruction of records. This eliminates any conflict with Article 5442c, V.T.C.S., which establishes a process for standardizing the retention and destruction of county records under the supervision of the state librarian and a review committee. (Effective August 27, 1979)

Senate Bill 316 allows county clerks, county recorders, and clerks of county courts, who have adopted a microfilm system of recordkeeping, to simply inspect each filmed image which is to be retained as original record rather than reproduce it on paper for inspection. (Effective August 27, 1979)

Senate Bill 372 directs the State Board of Control to establish a program by which the board performs purchasing services for counties. The commissioners court of a county must request annually to participate in the program by adoption of a resolution. (Effective August 27, 1979)

Senate Bill 406 establishes procedures for the disposition of certain unclaimed funds held by a county or precinct officer or court. Funds not claimed within four years after prescribed notice is given become property of the county. A county or precinct officer or court holding applicable funds on the effective date of the act must give the required notice within 90 days after the effective date. (Effective August 27, 1979)

Senate Bill 683 provides that the county law library fund may be used for the purchase and lease of library materials and acquisition of shelving. The act also requires the commissioners court to provide suitable space for the law library and provides that the court may, with advice of the library advisory committee, use county law library funds to acquire the space. A list of priority uses of the fund is also set out. (Effective May 9, 1979)

Senate Bill 710 amends the law authorizing the commissioners court of any county with a population in excess of 9,800 but less than 10,150 to provide emergency ambulance service within the county. The act raises the upper population limit to 20,000. (Effective May 24, 1979)

Senate Bill 1204 authorizes the commissioners court of any county with a population of less than 200,000 to award contracts for deposit of county funds on an annual basis. These counties are still required to enter into such contracts in odd-numbered years. (Effective August 27, 1979)

House Bill 283 amends the law authorizing commissioners courts in counties under 190,000 in population to require owners of subdivisions to provide a bond for the construction of required roads and streets. The act provides that such bonds may not exceed the estimated cost of construction rather than a sum equal to \$3 per each linear foot of road or street. (Effective August 27, 1979)

House Bill 396 directs the Commissioners Court of Tarrant County to call an election on November 6, 1979, for a vote on the consolidation of the offices of county auditor and county treasurer. If consolidation is approved, the office of county treasurer ceases to exist on the 30th day after the election, and the powers and duties of the office are transferred to the county auditor. (Effective August 27, 1979)

House Bill 466 authorizes the commissioners court of any county to provide office or jail facilities at any place in the county outside the county seat in the same manner as the commissioners court may provide for these facilities at the county seat. Each county officer must still maintain an office and keep all original records at the county seat. (Effective September 1, 1979)

House Bill 511 authorizes the commissioners court of a county of more than 800,000 population to contract with certain special districts for water or sewage services or both, in parts of the county outside the limits of an incorporated city or town. The commissioners court may distribute to the district federal funds and state water conservation and development funds for construction, renovation, and maintenance of the required facilities. If the service area includes a city's extraterritorial jurisdiction, the city must approve the contract. (Effective May 17, 1979)

House Bill 550 provides that if on September 1, 1976, a county owned a cemetery and continued to own it on January 1, 1979, or if during 1976 a county used county funds, employees, equipment, or property for the maintenance of a county-owned cemetery, the county may continue to own and maintain the cemetery and the prohibition on such maintenance by counties that have created a perpetual trust fund for neglected and unkept cemeteries does not apply. To exercise the authority granted by the act, a county must register a certificate of eligibility with the secretary of state. (Effective May 17, 1979)

House Bill 765 authorizes auxiliary courthouses and certain other auxiliary county facilities to be located within the limits of the city designated as the county seat. A court required to hold its terms at the county seat may hold them at the auxiliary court facilities. Certain public officers may maintain an office

and keep official records at the auxiliary office facilities. The act additionally authorizes auxiliary court facilities outside the city designated as the county seat for the purpose of conducting nonjury proceedings. Actions by a commissioners court which are authorized by this act but which were taken prior to its enactment are validated. (Effective May 15, 1979)

House Bill 1056 amends the Texas Abandoned Motor Vehicle Act to include constables among those officials who may take possession of abandoned vehicles. (Effective August 27, 1979)

House Bill 1293 amends the law permitting counties having a population of 70,000 or more to maintain, equip, finance, and operate public parks by expanding the authorization to all counties with 5,000 or more population. (Effective August 27, 1979)

House Bill 1692 amends the law that requires the appointment of an auditor for a county of 35,000 inhabitants or more or having a tax valuation of \$15 million or more according to the last approved tax rolls. The act raises the tax valuation figure to \$35 million. (Effective August 27, 1979)

House Bill 1774 places a \$500,000 maximum limit on the amount of the bond required for a county clerk. A \$500,000 maximum limit is also placed on the errors and omissions insurance policy required for county clerks and their deputies. The act strikes statutory language stating that the payments of premiums for the bonds and policies are additional compensation for the county clerk. (Effective August 27, 1979)

House Bill 1824 authorizes counties of 700,000 inhabitants or more to sell or lease county-owned land to private entities for the purpose of constructing and operating a privately owned hotel and related facilities, which are operated in conjunction with an existing convention center owned by the county. The property may be leased regardless of whether it is presently encumbered by existing revenue bond indentures. The act sets out other conditions and restrictions for such arrangements. (Effective August 27, 1979)

House Bill 1905 authorizes the county judge of any county to appoint a county industrial commission to investigate and promote the development of business, industry, and commerce within the county. The county may pay the necessary expenses of the commission, which is to cooperate with and use the services of the Texas Industrial Commission. Before the law's enactment, only certain counties determined by narrow population brackets had been authorized to create such commissions. (Effective June 13, 1979)

House Bill 2108 requires the county clerk to file a state tax lien immediately upon receipt of the lien from the comptroller of

public accounts and to bill the comptroller for the filing and recording. (Effective August 27, 1979)

House Bill 2172 amends the Harris County Road Law by deleting much of the language relating to bidding and inventory procedures. This action removes any conflict with Article 1659a, V.T.C.S., which details such procedures for all counties with populations of 800,000 or more. (Effective August 27, 1979)

GOVERNMENT--GENERAL

This chapter summarizes legislation that affects more than one level of government.

House Bill 654 authorizes a city or county to regulate the location of certain sexually oriented commercial establishments, such as massage parlors. County regulations may apply only to the parts of the county outside the corporate limits of a city. A city or county may also require a permit for the operation of such restricted establishments. (Effective May 17, 1979)

House Bill 1134 authorizes a county, city, town, special purpose district, or any other political subdivision of the state to pay actual damages, court costs, and attorney's fees adjudged against a current or former official or employee for an act or omission in the course and scope of employment with the political subdivision. The act excludes cases of gross negligence, official misconduct, and wilful or wrongful acts or omissions. Liability under the act is limited to \$100,000 to a single person and \$300,000 for a single occurrence, in the case of personal injury or death, and \$10,000 for a single occurrence of damage to property. The political subdivision may provide counsel to represent a defendant in a cause of action covered by the act. The law authorizing counties to provide liability insurance for officials and employees is also amended to specifically include county and precinct peace officers. (Effective June 13, 1979)

House Bill 1176, the Public Property Finance Act, permits any city, county, school district, conservation and reclamation district, hospital organization, or other political subdivision of the state to enter into contracts for the acquisition of property, including lease-purchase contracts. The contracts are obligations of the governmental entity. The act sets a maximum term for the contract at 25 years and restricts the rate of interest on the unpaid amounts of the contract. Contracts must be approved by the attorney general and registered by the comptroller of public accounts. (Effective August 27, 1979)

House Bill 1455 gives units of state and local government added flexibility in refunding obligations payable from revenue other than taxes. Units of government will no longer be required to deposit funds for the repayment of the obligations with the state treasurer, but will have the option of depositing those funds with a paying agent, usually a bank or other financial institution. The bill also broadens the category of revenue obligation eligible for refunding and permits the payment of refunding expenses, such as attorney's fees, from the proceeds of refunding bonds. (Effective June 14, 1979)

House Bill 1491 amends the Certificate of Obligation Act of 1971 to allow that certificates issued by political subdivisions for constructing or equipping a jail be sold for cash. Existing law relating to advertising and competitive bidding will apply to these certificates. (Effective August 27, 1979)

House Bill 1612 sets out competitive bidding procedures for governmental entities in awarding a contract for the construction, repair, or renovation of a structure, road, or highway, or other improvement or addition to real property. The act applies to counties, incorporated cities, and certain other political subdivisions and to contracts of more than \$10,000. The Bond and Warrant Law of 1931 and the Certificate of Obligation Act of 1971 are amended to remove exemptions of certain counties. (Effective June 13, 1979)

House Bill 1806 authorizes any unit of state or local government that issues bonds or other interest-bearing obligations to bring an action in the district court to obtain a declaratory judgment that the obligations are valid. The unit of government must give notice of the suit to the attorney general and must publish a notice designed to notify the taxpayers of the governmental unit of the suit. The unit of government may ask the court to enjoin other legal proceedings questioning the validity of the obligations. If the suit results in a judgment upholding the validity of the obligations, the act prohibits the bringing of any other suit challenging the legality of the obligations and provides a criminal penalty for any party or attorney who knowingly does so. House Bill 1806 replaces a 1959 law on the same subject, which, according to attorneys specializing in bond law, had proved to be unworkable. (Effective June 6, 1979)

House Bill 1907 allows any public entity within 100 miles of the Sabine River and south of the Sam Rayburn Reservoir which is engaged in the distribution and sale of electric energy to create a municipal power agency to generate and transmit electricity within or outside the state and to make transactions involving the sale, purchase, or exchange of electric power with entities within or outside the state. The act will permit the cities of Jasper, Liberty, and Livingston to create a proposed municipal power authority. (Effective June 6, 1979)

House Bill 1969 amends the "Open Records Act" to provide that a custodian of public records, or his agent, commits an offense if one of them fails to make available information that is public record. The act also sets forth affirmative defenses to prosecution under the provision. (Effective August 27, 1979)

House Bill 2122 requires each state agency and political subdivision to adopt rules governing the investment of local funds of the agency or subdivision and to designate one or more officers

to be responsible for the investment of local funds. The investment officers are required to prepare a report concerning the agency's or subdivision's local funds investment transactions. Investments of local funds are to yield the highest possible rate of return while providing necessary protection of the principal. (Effective June 13, 1979)

Senate Bill 104 amends the "Open Meetings Act" to specifically provide that bona fide members of the news media may bring an action for mandamus or injunction for the purpose of preventing violations of the act by members of a governing body. (Effective August 27, 1979)

Senate Bill 114 authorizes two or more governmental entities to form, by concurrent ordinances, a nontaxing public utility agency for the collection, transportation, treatment, and disposal of sewage. Voters may call for a referendum prior to approval of the concurrent ordinance. The participating entities may also, by concurrent ordinances, provide for the re-creation of the agency by the addition or deletion of an entity, provided there is no impairment of obligations. The act further details the rights and powers of the participating entities. (Effective August 27, 1979)

Senate Bill 436 amends provisions of the Bond and Warrant Law of 1931 and the Certificate of Obligation Act of 1971 that require competitive bidding on certain public works contracts of cities and counties. Requirements regarding contract size and application to certain cities are made consistent between the two laws. (Effective August 27, 1979)

Senate Bill 479 amends the Interlocal Cooperation Act to permit a local government to provide emergency assistance to another local government regardless of whether the entities had previously agreed or contracted to provide the assistance. The presiding officer of the local government desiring assistance must request the assistance, and the governing body of the local government to provide emergency assistance must authorize the assistance by resolution or other official action. (Effective August 27, 1979)

Senate Bill 678 amends Article 717k-2, V.T.C.S., relating to issuance of public securities by public entities, to expand its application to nonprofit corporations acting on behalf of public entities that may issue securities regulated by the law. (Effective June 13, 1979)

GOVERNMENT--SPECIAL DISTRICTS

This chapter presents summaries of legislation relating to districts and authorities created to provide specific services in a defined area of the state. School districts are not included in this chapter but are discussed in the chapter on education.

Major Water District Legislation

Senate Bill 666 amends the law that created the Gulf Coast Waste Disposal Authority to provide for filling vacancies on the authority's board, to redefine the planning authority, to simplify procedures for selling property, to ease restrictions on letting bids for contracts, and to include the authority under the definition of river authority in the Regional Waste Disposal Act. This act also gives the authority jurisdiction over solid waste disposal, expands the purposes for which bonds may be issued, and removes the authority from participation in a subsidence control program for Harris and Galveston counties. (Effective June 13, 1979)

Senate Bill 993 authorizes the Trinity River Authority to produce and sell hydroelectric power. (Effective April 26, 1979)

Senate Bill 994 authorizes expanded financial authority for the Trinity River Authority to carry out certain waste disposal projects. (Effective August 27, 1979)

House Bill 2205 authorizes the creation of the Ogallala Water Import Authority to acquire, import, manage, and distribute a water supply in the High Plains area of the state. The rapid depletion of the water supply in the Ogallala Aquifer which serves as the principal water supply for the High Plains area poses a threat of severe water shortages in that area in the near future. In an effort to meet this threat, the legislature has authorized the creation of this water authority to seek a new water supply outside of the High Plains and to have it available for use at such time as the Ogallala Aquifer supply is no longer sufficient to meet the needs in the area. (Effective August 27, 1979)

Utility, Irrigation, and Other Conservation and Reclamation Districts

Senate Bill 41 authorizes the Edwards Underground Water District to regulate water wells within the district. Under this regulatory authority, the district may require water well drillers' logs to be filed, may report violations of the Water Well Drillers Act to the Texas Department of Water Resources, and may require

landowners and lessees to permanently cap water wells when not in use to prevent waste and contamination. If the owner or lessee of land on which a water well is located fails to comply with an order to close or cap a well, the district or its designated representative may close or plug the well, with the district obtaining a lien on the land for payment of expenses in an amount of not more than \$100. (Effective June 6, 1979)

Senate Bill 288 prohibits certain water control and improvement districts and municipal utility districts from adopting and imposing standby charges on undeveloped property within their boundaries. This prohibition applies only in a district that provides water and sewer services or either of these services to household users as the principal function of the district and that has an assessed valuation on property in the district that is at least 15 times greater than the amount of its bonded indebtedness. A district may avoid this prohibition by petitioning and getting the approval of the Texas Water Commission to charge standby fees. (Effective January 1, 1980)

Senate Bill 405 provides the procedure for the election of directors of irrigation districts from precincts. (Effective April 11, 1979)

House Bill 28 authorizes attorney's fees to be recovered in suits for the collection of delinquent taxes of municipal utility districts. (Effective May 15, 1979)

House Bill 257 provides for the deposit of funds from local soil and water conservation districts in demand and time accounts in banks and savings and loan associations and for the use of those funds for the purchase of certificates of deposit. (Effective August 27, 1979)

House Bill 801 changes the method by which a municipal utility district makes payments on construction work in the district during the progress of construction and on completion of the project. (Effective August 27, 1979)

House Bill 1857 and House Bill 1858 expand the purposes for which bond proceeds may be used by certain districts. House Bill 1857 authorizes municipal utility districts to use bond proceeds to pay or to establish a reasonable reserve to pay not more than three years' interest on notes and bonds of the district. House Bill 1858 provides the same authority for water control and improvement districts. (House Bill 1857 effective August 27, 1979; House Bill 1858 effective June 6, 1979)

House Bill 1974 relates to the status of certain municipal utility districts on annexation of those districts by a city. Under this act, a city, at the time it consents to the creation of

a district within its extraterritorial jurisdiction, may require the district to enter into an allocation agreement that sets forth terms and conditions for the continued operation of the district if it is later annexed by the city. On annexation of a district, the city will not be required to assume the district's outstanding debt and the district may continue to exist and need not be dissolved as prior law required. Should the district continue in existence, the city may set water and sewer rates within the district and certain written information is required to be given purchasers of land in the annexed district. (Effective August 27, 1979)

The 66th Legislature passed several acts which make minor changes in some existing laws relating to certain special districts.

House Bill 1245 relates to the election of the boards of commissioners of the Brazoria County Drainage District No. 5 and the Brazoria County Drainage District No. 8. (Effective August 27, 1979)

House Bill 1272 relates to the name and supervisors of the Friendswood Drainage District. (Effective April 6, 1979)

House Bill 2161 relates to the annexation of land by the Lamar County Water Supply District. (Effective August 27, 1979)

House Bill 2212 relates to the board of directors and validity of certain actions of the Ellis County Water Control and Improvement District No. 1. (Effective August 27, 1979)

Senate Bill 310 relates to the dissolution of certain water control and improvement districts lying within two or more cities and in unincorporated territory. (Effective April 26, 1979)

Senate Bill 1197 relates to the expanded authority of Sienna Plantation Fresh Water Supply District of Fort Bend County. (Effective August 27, 1979)

In recent years, the increasing growth in the state's population has created problems in providing an adequate water supply to growing areas. Several new water districts were created by the legislature this session to help alleviate this problem.

House Bill 165 creates the Galveston County Water Authority. (Effective August 27, 1979)

House Bill 976 creates the Greater Texoma Municipal Utility District. (Effective May 2, 1979)

House Bill 1175 creates the Bowie Water Supply District. (Effective May 24, 1979)

House Bill 1262 creates the Rayburn Municipal Utility District. (Effective June 6, 1979)

House Bill 2171 creates the Bois D'Arc Municipal Utility District. (Effective June 6, 1979)

House Bill 2204 creates the Beeville Water Supply District. (Effective June 6, 1979)

House Bill 2222 creates the Coryell City Water Supply District. (Effective June 6, 1979)

House Bill 2223 creates the South Texas Water Authority.

(Effective June 6, 1979)

Senate Bill 1162 creates the Itasca Municipal Water District.
(Effective June 6, 1979)

Senate Bill 1225 creates the Reagan County Water Supply District. (Effective May 17, 1979)

Noxious Weed Control Districts

Senate Bill 1234 authorizes the creation of noxious weed control districts in all counties within the state. Previously, these districts could be created only in certain named counties. (Effective August 27, 1979)

Rapid Transit Authorities

Senate Bill 662 provides a procedure for the voters of the rapid transit authority in Harris County to require a recall election for the removal of a member of the board of the authority. The act also makes several changes in the statute governing the rapid transit authorities in Harris and Bexar counties. The changes include:

- (1) requiring notices of authority board meetings to be posted in authority administrative offices and county courthouses;
- (2) prescribing four-year terms of office for board members and prohibiting a member from serving more than two consecutive four-year terms;
- (3) providing that notice of changes in the rate or coverage area of a sales and use tax or of certain election contests be given to the comptroller of public accounts;
- (4) providing a method for determining the effective date of a new or changed sales and use tax or the effective date of an abolition of a tax;
- (5) requiring appraisals before acquisition of property at a price of more than \$20,000;
- (6) requiring an authority to pay for changes made necessary in an overpass or underpass as a result of action of an authority;
- (7) requiring notice and public hearing before acquisition of property by eminent domain;
- (8) conferring authority to issue certain bonds or notes without registration by the comptroller of public accounts or approval by the attorney general;
- (9) requiring certain types of land to be included in a master plan of development before acquisition by eminent domain;
- (10) allowing a board to decrease a sales and use tax rate or call an election to increase or decrease the rate and permitting the voters to petition for an election to increase the rate;
- (11) determining permissible rates of a sales and use tax;
- (12) providing additional tax collection remedies;
- (13) requiring an authority to adopt an annual budget after

notice and public hearing;

(14) providing for competitive bids for certain contracts and requiring notice of certain other contracts; and

(15) providing for liability of an authority under the Texas Tort Claims Act. (Effective September 1, 1979)

Senate Bill 865 provides the means by which the town of Friendswood may withdraw from a rapid transit authority. (Effective August 27, 1979)

Senate Bill 1079 establishes procedures for the creation and operation of one or more rapid transit authorities in Dallas and Tarrant counties. The transit authorities may be proposed by the city councils of Dallas and Fort Worth or by the commissioners courts of the two counties, but are subject to approval by the voters of the affected areas. Primary financing for the authorities would be derived from the levy and collection of a local sales and use tax, the sales tax portion of which may not exceed one percent of retail sales. The rate of tax levied is also subject to voter approval. If an authority is created in each county, a regional executive committee would be created to oversee both authorities. The act gives an authority the power to acquire or construct terminal stations, issue revenue bonds, and exercise powers of eminent domain. Cities whose boundaries extend into each of the counties are given the power to join an authority established in either county and the power to create a separate authority. (Effective August 27, 1979)

Navigation and Port Authorities

Senate Bill 130 alters the powers and authority of the Port of Port Arthur Navigation District. (Effective April 3, 1979)

Senate Bill 1105 authorizes the Brownsville Navigation District to apply for and accept an authorization to establish, operate, and maintain a United States Foreign-Trade Zone at the Brownsville port of entry. (Effective August 27, 1979)

House Bill 2160 creates the Sabine Pass Port Authority. (Effective June 13, 1979)

House Bill 2213 alters the powers and authority for the Brazos River Harbor Navigation District of Brazoria County. (Effective August 27, 1979)

Hospital Authorities and Districts

Senate Bill 1051 and Senate Bill 1053 provide that if a city or county hospital is not being operated by a nonprofit

corporation, the board of directors shall establish the rates for service. If the hospital is being operated by a nonprofit corporation, the corporation shall establish the rates and pay for all expenses. Senate Bill 1051 makes this provision for city hospitals and Senate Bill 1053 makes this provision for county hospitals. (Both effective June 13, 1979)

Senate Bill 1054 allows a county hospital authority to sell real property if it does not affect the outstanding bonds of the hospital or any agreement between the hospital and a nonprofit corporation. (Effective June 13, 1979)

Senate Bill 1188 provides that two directors of the Wilson County Hospital District be elected from each commissioner's precinct with one director elected at large. The directors shall serve staggered two-year terms, and all elections of directors shall be held on the first Saturday in May. (Effective August 27, 1979)

House Bill 353 provides election procedures for adding territory to the Wood County Central Hospital District and for increasing the maximum tax authorized for the district. The act also increases the maximum rate of interest for bonds issued by the district. (Effective May 15, 1979)

House Bill 844 stipulates that hospital authorities created under the Hospital Authority Act may sell unnecessary property, provided that the sale does not deny a trust indenture or bond resolution. (Effective May 17, 1979)

House Bill 2154 and House Bill 2275 authorize assessment of property in the El Paso County Hospital District and the West Coke County Hospital District at different percentages of fair market value from those used in assessing the property for state and county purposes. (Both effective August 27, 1979)

House Bill 2252 allows the Terry Memorial Hospital District to sell or dispose of real property at the discretion of the board members. (Effective June 7, 1979)

House Bill 2264 provides that when filing for candidacy to serve on the board of directors of the Midland County Hospital District, a person must file an application 30 days before the election. Previous law stipulated that a petition signed by 25 percent of the electors had to be filed 25 days before the election. (Effective August 27, 1979)

The legislature created several new hospital districts this session.

House Bill 211 creates the Dallam-Hartley Counties Hospital District. (Effective May 9, 1979)

House Bill 300 creates the Elgin Hospital District of Bastrop and Lee Counties. (Effective February 22, 1979)

House Bill 2174 creates the Hemphill County Hospital District. (Effective June 6, 1979)

House Bill 2182 creates the Community Hospital District of Brazoria County. (Effective August 27, 1979)

Senate Bill 229 creates the Chillicothe Hospital District of Hardeman County. (Effective April 26, 1979)

Senate Bill 496 creates the Sugar Land Community Hospital District of Fort Bend County. (Effective April 26, 1979)

Senate Bill 729 creates the Hardeman County Hospital District. (Effective May 17, 1979)

Senate Bill 1294 creates the Jackson County Hospital District. (Effective May 24, 1979)

Senate Bill 1306 creates the Wichita County Hospital District. (Effective June 13, 1979)

GOVERNMENT--STATE

State Agencies and Departments

This section presents legislation that applies to all state agencies and departments or to individual agencies not dealt with in chapters on specific issues. Of the agencies discussed in this section, two were given new names and a third was abolished and replaced by a new agency. In summarizing other legislation relating to these agencies, the name used in the legislation is used in the summary.

House Bill 1673, the State Purchasing and General Services Act, abolishes the State Board of Control and creates the State Purchasing and General Services Commission to assume the former agency's functions. The act organizes the laws relating formerly to the State Board of Control and repeals obsolete and inactive laws. Some substantive changes are made in state purchasing procedures to streamline the process while maintaining adequate safeguards against abuse. (Effective September 1, 1979)

House Bill 637 changes the name of the Texas Commission on the Arts and Humanities to the Texas Commission on the Arts. (Effective May 15, 1979)

House Bill 1429 changes the name of the Texas Library and Historical Commission to the Texas State Library and Archives Commission. (Effective August 27, 1979)

Senate Bill 21, the Crime Victims Compensation Act, establishes a program to provide compensation and other assistance to certain victims of crimes or their dependents. The program will be administered by the Industrial Accident Board and financed from the compensation to victims of crime fund. Certain court costs from municipal, justice, county, and district court cases are dedicated to the fund. The custodian of a municipal or county treasury must remit to the comptroller of public accounts before the 10th day of each month the money collected pursuant to the act. No general revenue money may be used for compensation awarded under the act.

A claim for compensation must be filed within 180 days after the date of the crime, and the claimant must have notified law enforcement officials within 72 hours after the crime was committed. The board may waive these requirements for good cause. Awards to a victim and all other claimants sustaining pecuniary loss because of injury or death of the victim may not exceed \$50,000. The act will not cover loss arising from a crime occurring before January 1, 1980.

The act also provides for the establishment of an escrow account to receive earnings of a person accused or convicted of a

crime in the state which are derived from reenactment of the crime in such media as motion pictures, television, and books. The account would be available to satisfy a judgment against the accused or convicted person in favor of the victim of the crime. (Effective January 1, 1980; the section creating the special fund is effective September 1, 1979)

Senate Bill 132 allows the attorney general to transfer \$907,000 from funds originally appropriated for the payment of workers' compensation claims to other programs and activities of the attorney general's office, including the business, commerce and labor program, the enforcement program, the intergovernmental relations program, certain court cases, and a management study. (Effective April 4, 1979)

Senate Bill 339 permits the comptroller of public accounts, state treasurer, or any disbursing officer of an agency authorized to invest its funds directly to take delivery of U.S. government securities in book-entry form. (Effective September 1, 1979)

Senate Bill 372 requires the State Board of Control to establish a program by which the board performs purchasing services for counties. (Effective August 27, 1979)

Senate Bill 387 authorizes the secretary of state to set and collect a fee for expedited handling of a certified record search and the expedited filing or reviewing of certain documents. The act also validates the collection and expenditure of such fees prior to the effective date of the act. After August 31, 1979, the fees are to be deposited in the general revenue fund rather than the secretary of state operating expense account. (Effective August 27, 1979)

Senate Bill 416 authorizes the General Land Office to reimburse an employee for the fees and costs of a bond required for appointment as a notary public if the employee provides notary public services as part of his or her duties with the agency. (Effective April 11, 1979)

Senate Bill 612 sets out a procedure whereby prepared pay warrants may be used although the comptroller of public accounts or the treasurer who signed the warrants no longer holds office. (Effective May 9, 1979)

Senate Bill 682 amends various statutory provisions relating to the filing of certain documents with the secretary of state. The act removes requirements for executed (signed) duplicates of original documents and permits the filing of an executed original and reproduced copies. (Effective May 9, 1979)

Senate Bill 704 authorizes the Legislative Audit Committee to

subpoena witnesses or records necessary to carry out an examination. The act also provides for court-ordered compliance and authorizes compensation of subpoenaed witnesses. (Effective May 9, 1979)

Senate Bill 717 authorizes the comptroller of public accounts to accept federal money for any state agency not otherwise restricted by statute or by rider or special provision in the general appropriation act. This money may be accepted only if the agency has certified to the comptroller that the agency will be responsible for compliance with all applicable federal and state laws. (Effective April 26, 1979)

Senate Bill 746 broadens the authority of the Texas Library and Historical Commission, in designating regional historical resources depositories, to include any institution that meets standards established by the commission. The act also authorizes the commission rather than the librarian of a depository to accept historical resources for preservation and retention in a depository. (Effective August 27, 1979)

Senate Bill 779 creates the Texas 1986 Sesquicentennial Commission to coordinate celebrations of the 150th anniversary of Texas' independence. The commission may accept donations or grants from any source to be used by the commission in the discharge of its functions. The commission expires on September 1, 1987. (Effective August 27, 1979)

Senate Bill 878 amends the law authorizing the Texas National Guard Armory Board to issue refunding bonds to set out more comprehensive procedures and to grant the board greater latitude in the issuance of such bonds and in the use of bond proceeds. (Effective June 13, 1979)

Senate Bill 971 repeals the statutory provision that authorizes the comptroller of public accounts to hold a conference for county tax assessor-collectors and to pay for the travel expenses of the tax officials. (Effective August 27, 1979)

Senate Bill 978 authorizes the comptroller of public accounts, with the consent of the state treasurer, to transfer surplus cash, excluding constitutionally dedicated revenues, between funds in the state treasury. These temporary transfers will provide more effective management of the cash flow in the general revenue fund and will prevent temporary cash deficiencies in the fund. (Effective April 19, 1979)

Senate Bill 1017 authorizes the Public Utility Commission of Texas to hold joint hearings and conduct joint investigations with utility commissions of neighboring states or the federal government in regard to the regulation of telecommunications utilities.

(Effective August 27, 1979)

Senate Bill 1131 makes various changes in the law relating to the Texas Conservation Foundation. The foundation's duties are expanded to include the survey and collection of data concerning the natural areas and resources of Texas, the application and receipt of federal funds as well as private donations, and the establishment of a register of Texas' unique natural areas and resources. The composition of the foundation's board is revised by replacing the chairman of the Parks and Wildlife Commission with the commissioner of the General Land Office and reducing the number of citizen members from nine to three. The foundation is also authorized to maintain confidential files regarding details of any archeological, paleontological, or geological site or species of plant or wildlife that are rare, threatened, or endangered or subject to abuse by collectors. (Effective June 13, 1979)

Senate Bill 1156 establishes nine-member governing boards for the Texas School for the Blind and the Texas School for the Deaf, describes the qualifications of the board members, and mandates the boards to organize and conduct business in the same manner as an independent school district board of trustees. The State Board of Education may require centralized services for the two schools, and these services may be managed cooperatively by the schools and the state board. (Effective August 27, 1979)

Senate Bill 1157 establishes the Texas Commission for the Deaf and abolishes the State Commission for the Deaf, in response to recommendations made by the Joint Advisory Committee on Educational Services to the Deaf established by the 65th Legislature. The act also allows the commission to establish a program for the certification of interpreters for the deaf and creates the Technical Advisory Council of Planning and Operations. The advisory council is to serve as an interagency planning council to coordinate services for the deaf. (Effective September 1, 1979)

Senate Bill 1243 enlarges the duties and membership of the State Commission for the Blind and abolishes the Governor's Office for the Visually Handicapped, transferring its functions to the commission and other agencies. The act also directs the Central Education Agency to provide individualized written service plans for all eligible blind or visually handicapped students. (Effective May 31, 1979)

Senate Bill 1266 creates the State Conservatorship Board to assume control of a state agency, including a university system or an institution of higher education, determined to be in a condition of gross fiscal mismanagement. The act does not apply to public junior colleges or an agency under the direction of an elected officer, board, or commission. When the Legislative Audit Committee finds an agency to be fiscally mismanaged, it is to

notify the governor, who may order the board to act as conservator of the agency. (Effective June 6, 1979)

Senate Bill 1317 establishes a procedure for the planning and funding of the inauguration of the governor and the lieutenant governor. It provides for the appointment of an inaugural committee and creates in the state treasury the inaugural fund to receive funds by appropriation and from donations from private sources. In addition, the act enumerates allowable expenditures from the fund, requires competitive bidding in the letting of certain contracts, and requires the secretary of state to maintain a record of donations and the committee to keep a record of all expenditures. (Effective August 27, 1979)

House Bill 480 amends the law that sets out the apportionment of funds by the State Library System to provide that the 75 percent apportioned to major resource systems on a per capita basis be determined by either the last decennial census or the most recent official population estimate.

The act also revises existing law by providing more detailed provisions requiring the deposit of state publications with the Texas State Library and the distribution of the publications to depository libraries. In addition, new law is enacted requiring a state agency to distribute publication request forms and to maintain a publication distribution list. The comptroller of public accounts is directed to prepare and furnish the publication request forms. Distribution lists, which are public information, must be filed with the comptroller. (Effective September 1, 1979; provisions relating to the distribution of publications to persons on authorized lists are effective on January 1, 1980)

House Bill 793 requires a state regulatory agency to coordinate its inspections, surveys, investigations, and reporting requirements within the agency and with other regulatory agencies to avoid unnecessary duplication on the part of agencies and the regulated individual or business. (Effective August 27, 1979)

House Bill 865 amends the Interagency Cooperation Act to provide that state agencies may render services to and receive services from other state agencies without written contracts or advance approval by the State Board of Control when costs for the services are less than \$350. The maximum amount is raised from the previous limit of \$25. (Effective August 27, 1979)

House Bill 956 authorizes the Texas Historical Commission to make grants to museums honoring fire fighters and their work. This authorization extends to August 31, 1983. (Effective June 7, 1979)

House Bill 1146, the State Aircraft Pooling Act, creates the State Aircraft Pooling Board and transfers to it all aircraft owned or leased by the state. The board is required to establish and

operate a pool for the custody, control, operation, and maintenance of the aircraft. The board may purchase aircraft with funds appropriated for that purpose and, by interagency contract, may lease the state-owned aircraft to an agency. The lease of aircraft from funds appropriated to an agency must be executed by or approved by order of the board. (Effective September 1, 1979)

House Bill 1219 amends the law requiring certain state officials to file financial information with the secretary of state. The act directs the secretary of state to place in an official's file a statement concerning any person who requests to see the file. The statement will contain the person's name and address, whom the person represents, and the date of the request. (Effective August 27, 1979)

House Bill 1249 abolishes the State Board of Examiners in the Basic Sciences, which certified the basic science skills of all physicians and chiropractors prior to licensure. The act directs the Texas State Board of Medical Examiners and the Texas Board of Chiropractic Examiners to require proof of basic science skills from applicants for licenses. (Effective September 1, 1979)

House Bill 1554 amends the Veterans' Land Program statute to raise from \$15,000 to \$20,000 the maximum amount that the Veterans' Land Board may pay for land to be resold to a veteran. (Effective June 13, 1979)

House Bill 1772 provides a procedure whereby a person may, at any time prior to application for a real estate license, obtain from the Texas Real Estate Commission a determination of whether his or her moral character satisfies licensing requirements. (Effective September 1, 1979)

House Bill 1845 requires the state treasurer to maintain accurate records of the daily balance of, and the interest income from, funds deposited by the state treasurer or the state depository board in time and demand bank accounts. In addition, the treasurer is directed to make an annual report to the legislature and governor of the amounts of interest earned on such deposited funds. (Effective June 13, 1979)

House Bill 2062 abolishes the State Board of Examiners in the Fitting and Dispensing of Hearing Aids fund and provides that fees formerly deposited in the fund be placed in the general revenue fund. (Effective September 1, 1979)

House Bill 2071 changes the membership and some of the duties of the Texas Committee on Purchases of Blind-Made Products and Services. The act transfers the responsibility for developing product specifications from the committee to the State Board of Control for purchases made by state agencies and from the committee

to political subdivisions for purchases made by political subdivisions and sets out factors for the committee to consider in determining the fair market value for the products or services. The act also provides that the State Board of Control may determine that the products or services do not meet reasonable requirements or that requisitions from state agencies cannot be reasonably complied with through provision of blind-made products or services. The State Commission for the Blind is authorized to promulgate rules to implement the act. (Effective August 27, 1979)

Sunset Legislation

The Texas Sunset Act, passed by the 65th Legislature in 1977, provided for the review and automatic termination of 178 state agencies and advisory committees at biennial intervals from 1979 to 1989. Twenty-six agencies were scheduled to expire on September 1, 1979, unless continued by legislative act. One of the 26, the Board of Managers of the Texas State Railroad, was abolished by the 65th Legislature.

In considering the fate of the remaining 25 agencies, the 66th Legislature had benefit of the report and recommendations of the Sunset Advisory Commission, which reviewed the agencies during the past legislative interim. The legislature took no action to save seven agencies: the Pesticide Advisory Committee, the Pink Bollworm Commission, the Texas Stonewall Jackson Memorial Board, the Vehicle Equipment Safety Commission, the Texas Navy, Inc., the Battleship Texas Commission, and the Board of County and District Road Indebtedness.

The Texas Private Employment Agency Regulatory Board was abolished, and the regulation of personnel employment services was assigned to the commissioner of labor and standards. The Burial Association Rate Board was also abolished, and its duties were transferred to the State Board of Insurance. The State Board of Registration for Public Surveyors and the Board of Examiners of Licensed State Land Surveyors were merged. The Texas Board of Architectural Examiners and the Texas State Board of Landscape Architects were consolidated; however, the latter's regulation of irrigators will be assumed by a new Texas Board of Irrigators under the Texas Department of Water Resources.

In the legislation continuing the other 12 agencies, the legislature made numerous changes in their enabling statutes. The agencies created or continued will expire on September 1, 1991, unless extended by the legislature. They will be reviewed during the legislative interim prior to the expiration date.

House Bill 225 continues the Texas Motor Vehicle Commission and makes various changes in its statute. Commission membership is increased to five dealer members and four members of the general public who have no financial interest in the industry. The act strengthens restrictions on conflict of interest, provides for

legislative veto of commission rules and for commission funding from the general revenue fund, simplifies consumer complaint procedures, and prohibits a person from acting as a broker in the sale of a new motor vehicle. (Effective September 1, 1979)

House Bill 1061 continues the Good Neighbor Commission of Texas and amends various provisions of its statute. The commission is no longer charged with coordinating migrant labor programs. A new commission duty is to provide language translation services to state agencies. The act also provides for legislative veto of commission rules and for the deposit in the state treasury of all funds received by the commission. (Effective September 1, 1979)

House Bill 1460 makes the Advisory Council for Technical-Vocational Education subject to the Texas Sunset Act. The council, unless continued by the legislature, expires on September 1, 1983. (Effective June 13, 1979)

Senate Bill 125 continues the Texas Turnpike Authority. The act also sets out requirements for the agency's reports and public hearings and provides that a director who fails to attend at least one-half of the regularly scheduled meetings during a year is automatically removed from the board of directors of the authority. (Effective September 1, 1979)

Senate Bill 171 continues the Texas Real Estate Commission and increases the membership from six to nine members. The three additional members are to be representatives of the general public who are not involved in the real estate business. The act also strengthens restrictions on conflict of interest and provides for legislative veto of commission rules. Qualifications and requirements for a real estate broker license are amended and maximum payments from the real estate recovery fund are increased. (Effective September 1, 1979)

Senate Bill 259 creates the Texas Board of Irrigators to license and regulate certain irrigators and the installers of irrigation systems and yard sprinkler systems. When the Texas State Board of Landscape Architects was consolidated with the Texas Board of Architectural Examiners, the former's regulation of landscape irrigators was not assumed. A person licensed as a landscape irrigator is entitled to be certified as a licensed irrigator under this act without meeting certain requirements.

The new board consists of four licensed irrigators and two members of the general public. The act provides for legislative veto of board rules and creates the Texas Board of Irrigators fund to finance board operations. The board may employ an executive secretary approved by the executive director of the Texas Department of Water Resources. The executive director shall also provide staff to assist the board. (Effective August 27, 1979)

Senate Bill 276 continues the Texas Board of Licensure for Nursing Home Administrators and increases the size of the board from six to nine members. The three additional members are to be representatives of the general public not licensed by the board. The act also provides for legislative veto of board rules, legislative appropriation of all money collected by the board, and removal of inactive board members. Procedures for handling complaints and restrictions on conflict of interest are set out in the act. (Effective September 1, 1979)

Senate Bill 277 continues the State Board of Morticians and extensively amends the agency's statute. The board's membership is increased from six to nine members, at least four of whom must be representatives of the general public who are not regulated by the board. The act also provides for legislative veto of board rules, deposit of all fees and other funds received by the board in the state treasury, removal of inactive board members, and a biennial licensing system. To protect the consumer of funeral services and merchandise, the act sets out an expanded list of requirements in the conduct and commercial practices of funeral directors and embalmers. (Effective September 1, 1979)

Senate Bill 278 abolishes the Burial Association Rate Board and transfers its duties to the State Board of Insurance. (Effective June 13, 1979)

Senate Bill 281 continues the Board of Law Examiners. The act also provides for restrictions on conflict of interest by board members, sets out procedures and guidelines for board investigations of the moral character and fitness of an applicant for a license to practice law, and creates district committees on admission to aid the board in investigating applicants. (Effective September 1, 1979)

Senate Bill 287 continues the State Bar of Texas and revises the law regulating attorneys. The act provides for the appointment of six nonlawyer members to the governing board of the State Bar and incorporates many rules adopted by the state Supreme Court to govern the State Bar. The act also specifies the extent of the State Bar's powers and establishes disciplinary procedures for lawyers. (Effective June 11, 1979)

Senate Bill 313 merges the State Board of Registration for Public Surveyors and the Board of Examiners of Licensed State Land Surveyors and revises the laws relating to the regulation of public surveyors and state land surveyors. The new board is named the Texas Board of Land Surveying and is composed of the commissioner of the General Land Office, two state land surveyors, four public surveyors, and three public members. The board's funds are placed in a special fund in the state treasury. The act also provides for the removal of inactive members from the board, establishes

restrictions on conflicts of interests of board members and employees, and permits legislative veto of board rules. (Effective June 13, 1979)

Senate Bill 384 continues the Texas Cosmetology Commission and revises the law relating to the regulation of cosmetologists. The act resolves conflicts between the jurisdictions of the commission and the State Board of Barber Examiners. The act also provides for the removal of inactive members from the commission, establishes restrictions on conflicts of interests of commission members and employees, permits legislative veto of commission rules, and establishes procedures for handling complaints. (Effective September 1, 1979)

Senate Bill 482 continues the State Board of Barber Examiners and provides that two of the six members of the board are to be public members. The act resolves conflicts between the jurisdictions of the board and the Texas Cosmetology Commission. The act also provides for the removal of inactive members from the board, establishes restrictions on conflicts of interests of board members and employees, permits legislative veto of board rules, and establishes procedures for handling complaints. (Effective September 1, 1979)

Senate Bill 486 continues the Texas Structural Pest Control Board and increases its membership from seven to nine members, two of whom must be representatives of the general public who are not licensed by the board. The act also includes conflict of interest restrictions, provides for legislative veto of board rules, prohibits the board from promulgating rules restricting advertising or competitive bidding by licensees, and requires the board to establish a public information program on structural pest control. (Effective August 27, 1979)

Senate Bill 551 consolidates the Texas State Board of Landscape Architects with the Texas Board of Architectural Examiners. The latter board shall now consist of four practicing architects, two licensed landscape architects, and three members of the general public not licensed by the board. The act places restrictions on conflict of interest, provides for legislative veto of board rules, prohibits the board from promulgating rules restricting advertising or competitive bidding by licensees, and requires the board to establish a public information program. (Effective September 1, 1979)

Senate Bill 623 abolishes the Texas Private Employment Agency Regulatory Board and places the regulation of personnel employment services under the commissioner of labor and standards. The act retains a surety bond requirement for licensees and includes a new provision for civil remedies for persons adversely affected by the violation of the act. (Effective August 27, 1979)

Senate Bill 797 continues the Texas State Board of Public Accountancy and revises the law regulating public accountants. The board's membership is increased from 9 to 12 members, 3 of whom are to be public members. The board is given authority to adopt a system of required annual continuing education for its licensees. The board's funds are placed in a special fund in the state treasury. The act also provides for the removal of inactive members from the board, establishes restrictions on conflicts of interests of board members and employees, permits legislative veto of board rules, and establishes procedures for handling complaints. (Effective September 1, 1979)

Appropriations

The 66th Legislature appropriated \$21.2 billion from all funds for the operation of state government and state aid to local governments during the 1980-1981 biennium. Through gubernatorial vetoes, the total was reduced to \$21.1 billion, an increase of 24 percent over the amount expended and budgeted for 1978-1979. The biennial increase is equivalent to an annual increase of 11.3 percent.

House Bill 558, the general appropriations act, provides the major portion of the total appropriations; including line items and riders, the act appropriates \$20.2 billion for the next fiscal biennium. The governor reduced this total by \$162.5 million, an amount that does not include the veto of riders authorizing the expenditure of \$40 million in federal funds for a state office building and \$50 million in constitutionally dedicated college construction funds.

Four major governmental functions--education, welfare, transportation, and health--account for almost 88 percent of the appropriations for the next biennium. Education was allocated the largest share of state appropriations: \$10.8 billion, a 25 percent increase over the previous biennium. The state increased the proportion of its contribution to the Foundation School Program through enactment of three bills: House Bill 558; Senate Bill 350, the public school finance bill; and House Bill 1060, the tax relief implementation bill. A part of the increased state aid to school districts, \$334 million, provides for teacher salary increases of 5.1 percent each year in addition to step increases for experience.

The 65th Legislature, in the second called session, created the school taxing ability protection fund and placed \$450 million in the fund. Article 8 of House Bill 1060 authorizes \$220 million from the fund for direct reimbursement for revenue losses that school districts will experience because of homestead exemptions and use of agricultural productivity valuation for property tax purposes, and it transfers \$230 million from the fund to the foundation school fund to finance increases in school aid formulas.

Formula-based appropriations to state colleges and universities are adjusted to provide a one-year transition phase of

reduced funding for institutions with declining enrollments.

Welfare services and programs receive \$3.6 billion, an increase of 19.7 percent over the previous two-year spending period. This total includes \$10,854,857 appropriated by Senate Bill 139 to the Texas Department of Human Resources to pay the cost of protective foster care, including medical care, for certain qualified children.

Appropriations to the State Department of Highways and Public Transportation for the 1980-1981 biennium total \$2.65 billion, an increase of 25.3 percent over the estimated spending for the previous biennium.

Health-related services will receive a total of \$1.3 billion, a 16 percent increase over the previous biennium.

The general appropriations act also authorizes a salary increase of 5.1 percent for each year of the biennium for state employees. Additional funds are provided to increase the state's contribution to employee group insurance from the present \$15 per employee per month to \$35 in fiscal year 1980 and \$40 in fiscal year 1981. The per diem allowance for intrastate employee travel is raised from \$30 to \$40, and the mileage rate for use of personally owned automobiles is increased from 18 cents to 20 cents per mile.

Another noteworthy provision of House Bill 558 is the statement of legislative intent regarding growth of the state government work force. The rider charges all agencies with 20 or more employees to attempt to reduce the number of full-time classified employees by five percent each fiscal year.

In addition to the aforementioned acts, other legislation was also enacted appropriating money for the 1980-1981 biennium.

Senate Bill 126 appropriates up to \$2.4 million to the Texas Deepwater Port Authority for additional initial funding of the deepwater port project. (Effective March 19, 1979)

House Bill 454 appropriates \$40.6 million for the next biennium to provide longevity pay for state employees. The act authorizes a maximum of \$4 per month for each year of service up to and including 25 years of service. Longevity pay will begin at the end of the fifth year and will be increased at the end of each five years thereafter. The appropriation provides funding for at least one-half of the \$4 rate. (Effective September 1, 1979)

House Bill 1209 appropriates \$210,000 for each year of the biennium to the Texas Department of Community Affairs to implement the R. B. McAllister Drug Treatment Program. (Effective September 1, 1979)

House Bill 1918 makes appropriations from various funds to the Parks and Wildlife Department. (Effective September 1, 1979)

House Bill 2135 appropriates to the Central Education Agency the sum of \$30,000 for each year of the 1980-1981 biennium to fund private outdoor training programs for deaf students and their teachers and parents. (Effective June 11, 1979)

The legislature enacted a number of bills making special and supplemental appropriations for the remainder of fiscal year 1979.

Senate Bill 83 makes a supplemental appropriation of \$161,805 to the State Board of Registration for Professional Engineers for the purpose of completing construction of an office building in Austin. (Effective February 22, 1979)

Senate Bill 127 appropriates \$50,000 to the Board of Tax Assessor Examiners for the purpose of contracting with the School Tax Assessment Practices Board for necessary services. (Effective June 13, 1979)

Senate Bill 133 makes supplemental appropriations totaling \$467,117 to the First Court of Civil Appeals, the Fifth Court of Civil Appeals, and the Fourteenth Court of Civil Appeals. (Effective February 1, 1979)

Senate Bill 140 provides an emergency appropriation of \$581,682 to the Railroad Commission of Texas to carry out state responsibilities mandated by the federal Natural Gas Policy Act of 1978 and Energy Regulatory Administration regulations. (Effective March 15, 1979)

Senate Bill 158 appropriates \$49,640 to Sam Houston State University for the purpose of repairing damage caused by fire to the Halley Science Building. (Effective March 19, 1979)

Senate Bill 173 appropriates \$20,000 during the remainder of the fiscal year for the salary and expenses of the judge of the newly created 272nd District Court in Brazos County. (Effective April 6, 1979)

Senate Bill 425 appropriates to the Texas Real Estate Commission the sum of \$166,511 to defray additional costs of administering the Real Estate License Act. (Effective May 17, 1979)

Senate Bill 466 appropriates \$450,000 to the University of Houston to repair damage caused by fire to the Art and Architecture Annex on the central campus. (Effective April 19, 1979)

Senate Bill 547 makes a supplemental appropriation of \$35,000 to the Texas Board of Architectural Examiners to modify the board's professional examination. (Effective March 19, 1979)

Senate Bill 563 appropriates a total of \$20,103,846 to certain institutions of higher education to defray the additional cost of purchased utilities. (Effective June 13, 1979)

Senate Bill 589 makes a supplemental appropriation of \$4,000 for travel expenses of judges of Courts of Civil Appeals when sitting in other districts. (Effective April 11, 1979)

Senate Bill 918 appropriates to the Judiciary Section-Comptroller's Department the sum of \$250,000 for payment of attorneys' fees under provisions of Article 26.055, Code of Criminal Procedure. (Effective April 17, 1979)

Senate Bill 1254 appropriates to the treasurer's office the sum of \$25,000 for a fire protection system to protect warrants, bonds, and rotary files in the agency's main vault. (Effective May 17, 1979)

Senate Bill 1301 appropriates \$200,000 to the Parks and

Wildlife Department for repair of damage caused by flood to the Texas State Railroad. (Effective June 6, 1979)

House Bill 1433 appropriates \$2,331,311 to pay miscellaneous claims and judgments against the state. (Effective June 4, 1979)

House Bill 2200 appropriates \$894,936 to the State Board of Control to replace and relocate the cooling tower on the Sam Houston State Office Building. (Effective June 11, 1979)

House Bill 2235 transfers \$6,876,000 from the general revenue fund to the disaster contingency fund and appropriates the money to the governor's office for the current fiscal year to implement the Texas Disaster Act of 1975. The act also makes a supplemental appropriation of \$65,000 to the governor's office for payments in emergencies to National Guard troops. (Effective May 17, 1979)

Taxation

Senate Bill 556 establishes a standardized procedure for the refund of various taxes collected by the comptroller of public accounts. The act applies to any sales or use, occupation, excise, gross receipts (as levied by Section 81.111, Natural Resources Code), franchise, license, or other tax or fee collected or administered by the comptroller. Time limitations are set out for hearings, motions for rehearings, and appeals on claims for refunds of taxes erroneously or illegally collected. (Effective August 27, 1979)

Senate Bill 584 provides that any corporation that has previously paid the franchise tax and whose total assets are less than \$1 million may use the short form franchise tax return. The previous asset limit was \$150,000. The act also makes the reporting period for corporations using the short form the same as the reporting period for other corporations and creates a new tax schedule for the increased asset limit. (Effective January 1, 1980)

Senate Bill 606 requires a corporation to pay an initial franchise tax deposit of \$100 prior to receiving a charter or certificate of authority. The prepayment is not refunded after receipt of the charter or certificate of authority but serves as a minimum initial franchise tax. (Effective September 1, 1979)

Senate Bill 618 raises the interest rate on various delinquent state taxes from six to seven percent. (Effective January 1, 1980)

Senate Bill 1257 authorizes the comptroller of public accounts to grant any person who is a victim of a natural disaster an extension of not more than 90 days to make or file a tax return or pay an imposed tax. The comptroller may also assist any taxpayer in reconstructing business records that are damaged or

destroyed by a natural disaster.

The act additionally provides that the governing body of a political subdivision located in a declared natural disaster area may authorize reappraisal of all damaged property at its value immediately after the disaster. The governing body may provide for prorating the ad valorem taxes on the reappraised property for the year in which the disaster occurred. This provision does not apply to ad valorem taxes imposed for state purposes. (Effective May 11, 1979)

House Bill 504 repeals the state's admissions tax. The tax had been imposed on admission to various forms of entertainment. (Effective September 1, 1979)

House Bill 512 exempts certain telephone equipment for the deaf from the limited sales, excise, and use tax. (Effective August 27, 1979)

House Bill 806 amends the statutory provision relating to the inheritance tax exemption for any military pay or other military allowances paid to the beneficiaries of a Texas resident who, while on active duty, was killed in action or was legally declared dead following classification as missing in action. The act specifies that, in those estates in which the tax is unpaid and not delinquent, it shall be presumed for purposes of the provision that a person declared dead after having been classified as missing in action died on or after September 1, 1978. (Effective June 11, 1979)

House Bill 1012 establishes relatively uniform provisions relating to the confidentiality of certain information derived from the administration of the cigarette tax, franchise tax, sales and use tax, and tobacco tax. All information obtained by the attorney general or the comptroller during the examination of the taxpayer's books and records are confidential and not open to the public. Information contained in certain liens and permits is excepted. The comptroller and attorney general may authorize the examination of confidential books and records by state officers and law enforcement officials or officials of other states or the federal government. The act imposes a penalty of a Class B misdemeanor for the unauthorized disclosure of confidential information. (Effective June 13, 1979)

House Bill 1431 reenacts the Texas taxes on gasoline, diesel fuel, and liquefied petroleum gas. The new statute includes few changes in the administration of the taxes, but is a major simplification in the language of the law. Before the new statute, each tax on gasoline, diesel fuel, and liquefied petroleum gas was imposed by a separate law, although many provisions were duplicated in each law. House Bill 1431 imposes these taxes in a single chapter of Title 122A, Taxation--General, Revised Civil Statutes of

Texas, 1925. Included in the substantive changes of the new statute are provisions permitting the sale of aviation gasoline without collection of the tax, thus eliminating the tax refund system for aviation gasoline; permitting the sale of diesel fuel in passenger automobiles without requiring a diesel fuel invoice; and permitting the purchase of tax-free liquefied petroleum gas by operators of vehicles licensed in Texas who have acquired a special tax license that includes the prepayment of taxes. (Effective January 1, 1980)

House Bill 1955 raises from 40 to 200 the number of cigarettes a person may bring into the state for personal use without paying the cigarette tax. (Effective August 27, 1979)

Miscellaneous

Senate Bill 93 designates as official plays of the State of Texas the following: The Lone Star presented in Galveston Island State Park; Texas presented in the Palo Duro Canyon State Park; Beyond the Sundown presented at the Alabama-Coushatta Indian Reservation; and Fandangle presented in Shackelford County. (Effective August 27, 1979)

House Bill 309 revises the boundaries of state representative districts 72A and 72B located in El Paso County. The change is effective for elections of members to the 67th Legislature. (Effective August 27, 1979)

House Bill 1016 adds to the list of legal state holidays the 19th day of June, designated "Emancipation Day in Texas" in honor of the emancipation of slaves in Texas on June 19, 1865. (Effective January 1, 1980)

House Bill 1704 revises the boundaries of state representative districts 32C and 32D located in Tarrant County. The change is effective for elections of members to the 67th Legislature. (Effective August 27, 1979)

House Bill 1816 incorporates various statutes passed by the 65th Legislature into the Natural Resources Code, which was also enacted by that legislature. Among the laws incorporated into the code are the Coastal Coordination Act of 1977, the Coastal Wetlands Acquisition Act, the Underground Natural Gas Storage and Conservation Act of 1977, ratification of the Natural Energy and Water Resources Compact, and the caverns protection act. (Effective June 13, 1979)

HEALTH

House Bill 12 sets the standard for determining death and releases from liability certain persons who act in good faith in accordance with the standards and procedures set by the act. (Effective May 15, 1979)

House Bill 263 changes the fee for certified copies of birth certificates and death certificates from \$2 to \$3. It also provides that local registrars who issue certified copies of death certificates will charge the same fee. (Effective August 27, 1979)

House Bill 571 removes from the Natural Death Act the five-year limit on the effectiveness of a signed directive which authorizes withholding or withdrawal of life-sustaining procedures in the event of a terminal illness or condition. It also removes the requirement of a 14-day waiting period before a diagnosed patient may sign and put the directive into effect. (Effective August 27, 1979)

House Bill 853, the Texas Cancer Control Act, requires the Texas Board of Health to establish and maintain a statewide cancer registry. To insure an accurate and continuing source of data concerning cancer and certain specified precancerous and tumorous diseases, all general and special hospitals, clinical laboratories, and cancer treatment centers in Texas are required to make available to the board information in the medical records of patients who have cancer or other specified diseases. The product of these efforts will be a central data bank of information to aid medical authorities in early recognition, prevention, cure, and control of cancer. (Effective September 1, 1979)

House Bill 868 amends existing law to comply with the substantive and procedural requirements of federal law for certificate of need programs for health care facilities. The act alters certain procedural timetables and notice requirements and changes substantive criteria for obtaining a certificate of need from the Texas Health Facilities Commission. The commission is authorized to charge higher application fees and its enforcement powers are increased. (Effective May 17, 1979)

House Bill 1323 transfers the responsibility for control and eradication of rabies from the Texas Animal Health Commission to the Texas Board of Health. The board is instructed to initiate a public education program relating to the control of rabies and local health authorities are directed to investigate all reports of rabies and to quarantine animals suspected of rabies. Failure to have dogs and cats vaccinated as required is made a Class C misdemeanor. (Effective January 1, 1980)

House Bill 1423 provides that school district employees shall have immunity from civil liability for damages or injuries resulting from administering prescription medication to a student if it appears to be properly labeled and in the original container. Previously, the school district must have received a written request from a licensed physician or dentist to administer the medication. (Effective June 7, 1979)

House Bill 1737 provides that the Texas Board of Health will determine the public school district employees and volunteers who are required to furnish proof of examination for tuberculosis and will set administrative rules regarding examinations and reexaminations. The governing body of each public school is required to verify that its employees and volunteers required by the board of health to be examined have the required certificates. (Effective May 11, 1979)

Senate Bill 63 requires indication of death to be conspicuously placed on the birth certificates of each individual who dies before reaching the age of 18 years and whose birth and death are registered in this state. (Effective April 19, 1979)

Senate Bill 117 specifies that a child born alive after an abortion or premature birth is entitled to the same rights and privileges as any other child. The bill also allows termination of the parent-child relationship following an abortion in which the child lives and authorizes the Texas Department of Human Resources to assume custody of the surviving child. A parent who had no knowledge of the attempted abortion or who participated in or consented to the abortion for the purpose of saving the life of the mother is not subject to the termination of his or her parental rights under this act. The act does not affect the standard of care required of a physician in the performance of medical practice. (Effective June 13, 1979)

Senate Bill 266 changes Texas law concerning the disclosure of net amounts paid for tests made by clinical, bioanalytical, or hospital laboratories. The act allows doctors, dentists, podiatrists, veterinarians, and chiropractors to disclose the names and addresses of the laboratories and the net amounts paid or payable to the laboratories for tests on the bill or statement or upon the request of the patient or third-party payee. (Effective April 11, 1979)

Senate Bill 292 provides that the Medical Disclosure Panel is attached administratively to the Texas Department of Health and sets out the department's administrative responsibilities to the panel. The act specifies the qualifications and terms of members on the panel; it also directs the panel to examine treatments and procedures for the purpose of reviewing and revising lists of the medical treatments and surgical procedures that require disclosure

of risks to the patient. (Effective August 27, 1979)

Senate Bill 315 gives the Texas Department of Health the sole responsibility for inspecting and grading milk and milk products and for licensing facilities where these products are produced. The act limits the fees that the department may collect for licensing these facilities. A city or town retains the power to restrict the sale of nonpasteurized milk or nonpasteurized milk products within the city or town. (Effective May 15, 1979)

Senate Bill 504 changes the penalties and proscribes additional conduct relating to making false entries, altering certificates, records, or reports, committing fraudulent acts, and failing to furnish information, file certificates, or perform certain duties relative to information required by the vital statistics law. Under the act, a person commits a third degree felony if he or she intentionally "obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another for the purpose of deception," any certificate, certified copy, or counterfeited, altered, or false copy of records or reports required by the Vital Statistics Act. (Effective May 11, 1979)

Senate Bill 747 amends existing law relating to the establishment, certification, organization, and regulation of health maintenance organizations. It provides changes in taxation requirements of health maintenance organizations, in the licensing of HMO agents, and in rulemaking authority of the State Board of Insurance. (Effective June 13, 1979)

Senate Bill 767 establishes the Home Health Services Advisory Council and provides that the council shall advise the Texas Department of Health on standards for licensing home health agencies. The act establishes guidelines for the regulation of home health care agencies and sets out the rules and procedures regarding license application, exemption, and denials. After January 1, 1980, no agency or person may engage in the business of providing home health services without a license. (Effective September 1, 1979, except licensing requirement which takes effect January 1, 1980)

Senate Bill 805 requires the Texas Department of Health to provide the same services for financially eligible children under 21 with cancer as it does for crippled children under 21. It eliminates the role a county judge plays in bringing a child into the program. It requires reimbursement for services provided by the department according to financial ability, authorizes the department to determine financial eligibility, and prohibits the department from entering a home over the objection of the parent or person responsible for the child. The department is also authorized to modify, suspend, or terminate services to a child.

(Effective August 27, 1979)

Senate Bill 834 provides that newborn children must be tested for other heritable diseases as well as for phenylketonuria and that the tests must be performed by a laboratory approved by the Texas Department of Health. It also directs the Texas Board of Health to adopt regulations for the procedures required for laboratory approval and newborn testing. (Effective August 27, 1979)

Senate Bill 867 authorizes the Texas Board of Health to admit to any hospital under its supervision a patient who is eligible to receive patient services under a program of the Texas Department of Health and who will benefit from the hospitalization. The admission is subject to the availability of space and properly trained medical personnel. (Effective August 27, 1979)

Senate Bill 868 updates language and procedures originally set out in the 1959 Texas Tuberculosis Code. Among the changes, the act eliminates the role of the county judge in admitting a person to a hospital, changes criminal penalties for violation of the act, eliminates required sanitary measures which are now known to be unnecessary, and requires the reporting of known and suspected cases of tuberculosis. (Effective August 27, 1979)

Senate Bill 869 provides that the Texas Board of Health may appoint advisory committees to assist the board in performing its duties, and it sets compensation and qualifications for members of the committees. (Effective August 27, 1979)

Senate Bill 877 directs the Texas Board of Health to establish a controlled substance therapeutic research program to study use of tetrahydrocannabinols (THC) and their derivatives for medical use and research purposes; the program is specifically designed to allow the use of marijuana in treating persons with glaucoma who are not responding to traditional treatment or persons who have cancer and who are experiencing severe side effects from conventional treatment. The bill includes procedures for acquiring and distributing the controlled substances. (Effective January 1, 1980, except section on new drug applications which is effective August 27, 1979)

Senate Bill 930 directs the Texas Department of Health to include questions concerning Spanish origin on the next official revision of the prescribed forms for birth certificates, fetal death certificates, and death certificates. The purpose is to allow the state to participate in a study of birth rates and mortality patterns of persons with Spanish surnames and to implement recommendations made by the National Center for Health Statistics. (Effective August 27, 1979)

Senate Bill 986 removes smallpox from the list of immunizations required of persons admitted to any elementary or secondary school or institution of higher education. All schools must keep individual immunization records for each attending student and cooperate in transferring the records to other schools. The act also provides that affidavits certifying the required vaccinations must be signed by a physician licensed to practice medicine in the United States, rather than only doctors registered and licensed under the Medical Practice Act of Texas. (Effective June 6, 1979)

Senate Bill 1046 provides that, except when parents object for religious reasons, a physician or person attending a newborn infant shall have the child tested for hypothyroidism. The laboratories that do the tests must be approved by the Texas Department of Health. The city or county health officer shall follow up all positive tests with the attending physician or parent. (Effective August 27, 1979)

Senate Bill 1222 creates the Texas Board of Health Dental Advisory Committee. The act describes the powers and duties of the committee and sets out the qualifications and appointment of its members. (Effective August 27, 1979)

HUMAN SERVICES

House Bill 468 clarifies the procedure for the assigning, to the Texas Department of Human Resources, of child support payments made to recipients of aid to families with dependent children. Under this act, either the filing of an application for or the receipt of financial assistance constitutes an assignment of the rights to child support payments to the department, thus eliminating the need for a separate document of assignment. (Effective August 27, 1979)

House Bill 673 requires that forms for reporting child abuse be distributed to hospitals and be made available to hospital employees, physicians, patients, and other persons. The forms, giving the address of the Texas Department of Human Resources, must include a statement that the reports are confidential and that the information may be used only for investigating the child abuse. (Effective August 27, 1979)

House Bill 1075 directs the Texas Department of Human Resources to contract with a maximum of 12 shelter centers to provide temporary shelter and certain services for victims of family violence and members of their families. The victims are assisted through counseling, medical care, legal assistance, and other forms of aid. The act amends the Family Code by adding a title on protection of the family which covers application, hearings, and service of protective orders. (Effective September 1, 1979)

House Bill 1209, the R. B. McAllister Drug Treatment Program Act, authorizes the Texas Department of Community Affairs to establish and supervise a comprehensive drug dependence treatment and rehabilitation program throughout the state. The program will include prevention services, such as information, education, and intervention, and will emphasize day care and out-patient services in an effort to enable persons who are dependent on drugs to live productively in society. The number, location, and types of services will be based on the current and potential number of drug-dependent persons in designated council of government regions, with particular attention given to rural areas. The act specifically provides that the program will be available to persons in custody as well as to juveniles and persons who are mentally ill. Emergency drug treatment services are authorized but not required to begin until September 1, 1981. (Effective September 1, 1979)

House Bill 1628 requires all nursing homes, custodial care homes, and major additions to these facilities approved for future construction to comply with the 1976 edition of the Code for Safety to Life from Fire in Buildings and Structures. The existing

facilities which have complied with either the 1967 or 1973 edition of the code will continue to be recognized as meeting licensing requirements for fire safety. The act also provides for certain exceptions. (Effective September 1, 1979)

House Bill 1714 defines "respite care," "plan of care," "elderly person," and "handicapped person" and sets out rules for agencies which are licensed to provide respite care. A facility licensed by the Texas Department of Health as a convalescent or nursing home may provide respite care for an elderly or handicapped person after the facility and the person arranging respite care have agreed on a plan of care. The plan shall consist of a written description of the care or supervision needed by the elderly or handicapped individual, to be signed by a physician if medical care is involved. (Effective August 27, 1979)

House Bill 1812 allows the state to initiate a suit to recover from personal insurance or other sources the costs of medical assistance provided for a person covered under the Medical Assistance Program. As of January 1, 1980, the act prohibits insurance companies from including clauses in health insurance policies that exclude or limit the insurance from covering benefits also covered by The Medical Assistance Act of 1967. (Effective September 1, 1979)

House Bill 1831 provides that attorneys employed by the Texas Department of Human Resources may represent the department in any suit to collect child support or determine paternity. At the request of the department, the attorney general shall represent it in any appeal. In suits in which the department is seeking to be named conservator of a child, it continues to be represented by specified prosecuting attorneys or by the attorney general. (Effective August 27, 1979)

House Bill 1834 adopts the Human Resources Code, a nonsubstantive revision of the statutes relating to state programs, assistance, and services for needy persons, children, and handicapped persons. Titles cover the Texas Department of Human Resources, facilities and services for children, services for the deaf, services for the blind and visually handicapped, services for the elderly, rehabilitation of the handicapped and disabled, and rights and responsibilities of the handicapped. This code is enacted as part of the state's continuing statutory revision program begun in 1963 as directed by the legislature. The purpose of the codification is to make human resources law more accessible and understandable. (Effective September 1, 1979 or as each section of the article takes effect)

Senate Bill 139 provides for foster care payments to be made by the Texas Department of Human Resources for certain children who are ineligible for the aid to families with dependent children

program and for whom the department has been named managing conservator. The act also specifies methods of payment and administration of funds and makes an appropriation. (Effective September 1, 1979)

Senate Bill 196 removes the requirement that counties provide financial aid to certain families who adopt hard-to-place children. The act states that counties may make such payments. (Effective August 27, 1979)

Senate Bill 270 requires periodic court hearings to be held for each child under the care, custody, or conservatorship of the Texas Department of Human Resources. The purpose of the hearing is to review the conservatorship appointment and placement of the child and to order that the conservator and placement be changed or continued. The act expands the list of persons entitled to notice of hearings and sets out the procedures in suits regarding children who are voluntarily placed with the department by their parents, guardians, or conservators. (Effective August 27, 1979)

Senate Bill 296 creates the Texas Housing Agency with the purpose of stimulating and supplementing efforts by the private sector to provide housing for persons and families with low incomes. The act authorizes the agency to issue revenue bonds in order to make housing money available to housing sponsors, subject to an agreement that the money be used for low-income housing. The agency also may make loans to housing sponsors to finance housing developments for persons and families of low income and families of moderate income and may purchase and sell certain mortgages according to specified terms. (Effective August 27, 1979)

Senate Bill 733 allows investigations of child abuse to include a psychological or psychiatric examination of all the children in the home but removes the mandatory requirement for such examination. If consent for the requested examination is refused by the person responsible for the child's care, a court may order the examination. (Effective August 27, 1979)

Senate Bill 828, the Adult Day Care Act, requires adult day care and adult health care programs to be licensed by the Texas Department of Health. The Texas Department of Human Resources is required to set standards for the eligibility of a person to attend the facility, the welfare of persons who attend, and the scope and quality of services offered. The purpose of the act is to establish programs of quality adult day care and day health care that will enable elderly and physically and mentally handicapped persons to maintain maximum independence and to prevent premature and inappropriate institutionalization. (Effective August 27, 1979)

Senate Bill 1150 amends state regulations of the federal food

stamp program to provide penalties for unauthorized participation in the program. The offense is broadened to apply to general participation in the program rather than only the purchase of the food stamps. The act authorizes the Texas Department of Human Resources to provide funds for the enforcement of the law. (Effective June 13, 1979)

Senate Bill 1167 authorizes the Texas Youth Council to contract with and dispense money to Big Brothers/Big Sisters of America. The council shall also review and evaluate the activities of the program. (Effective August 27, 1979)

Senate Bill 1269 authorizes the Governor's Committee on Aging to contract with local nonprofit organizations to operate Foster Grandparent Programs. (Effective August 27, 1979)

Handicapped

House Bill 302 allows persons who qualify as both permanently disabled and as disabled veterans to register vehicles and receive parking and other special privileges available to each group. The act further provides registration procedures for persons applying under both articles and replacement procedures in certain cases. (Effective August 27, 1979)

House Bill 512 exempts certain telephone equipment for the deaf from the limited sales, excise, and use tax. It adds the specialized printing or signaling equipment used to enable the deaf to communicate through an ordinary telephone to the drugs, medicines, and medical equipment that are exempt from the tax. (Effective August 27, 1979)

House Bill 548 provides that any person, regardless of age, who meets the income eligibility requirements and who has cystic fibrosis may receive physical restoration services provided by the Texas Department of Health. (Effective August 27, 1979)

House Bill 1521 requires the appointment of qualified interpreters for deaf persons in civil, criminal, and administrative proceedings, including those before state agencies and governing bodies of political subdivisions, and it explains related procedures and requirements. It defines the terms "deaf person" and "qualified interpreter" and provides that a deaf accused's statement is not admissible unless the warnings are interpreted to him or her by a qualified interpreter. The State Commission for the Deaf will prescribe interpreters' qualifications, compile a list of qualified interpreters, and disseminate the lists, and it will establish a schedule of reasonable fees for interpreters. (Effective May 15, 1979)

House Bill 2071 changes the membership and some of the duties of the Texas Committee on Purchases of Blind-Made Products and Services. The act transfers the responsibility for developing product specifications from the committee to the State Board of Control for purchases made by state agencies and from the committee to political subdivisions for purchases made by political subdivisions and sets out factors for the committee to consider in determining the fair market value for the products or services. The act also provides that the State Board of Control may determine that the products or services do not meet reasonable requirements or that requisitions from state agencies cannot be reasonably complied with through provision of blind-made products or services. The State Commission for the Blind is authorized to promulgate rules to implement the act. (Effective August 27, 1979)

House Bill 2096 requires that a child enrolling in school in Texas for the first time be examined by a physician or optometrist for visual defects or undergo a vision screening test approved by the Texas Board of Health. The department of health shall assist school districts in developing vision screening programs. An advisory committee on vision screening and an interagency committee on children's vision are established. (Effective September 1, 1979 except that requirements for screening are effective September 1, 1980)

House Bill 2121 authorizes the Texas Department of Health to establish and implement a program to identify infants with high risk of having impaired hearing and to assure that an infant who is identified is tested for hearing loss. The department shall implement the program in two public health regions, one with a population greater than two million and one with a population less than one million. The Texas Board of Health is instructed to appoint an advisory committee of experienced professionals. (Effective September 1, 1979)

House Bill 2135 allows the Central Education Agency to contract with private organizations to provide for the attendance of deaf students at outdoor recreational programs which provide skill training and education for deaf children, parents, and teachers. The act provides for selection of the students and makes an appropriation of \$30,000. (Effective June 11, 1979)

Senate Bill 835 eliminates the role of the county judge in determining the eligibility of a child for the physical restoration services for crippled children provided by the Texas Department of Health, and assigns that responsibility to the department. The act authorizes the department to determine financial eligibility and to modify, suspend, or terminate services to a child. Persons responsible for providing care and treatment for a child in the program are required to reimburse the department for services if they are able to bear some of the costs. (Effective June 13, 1979)

Senate Bill 1156 establishes nine-member governing boards for the Texas School for the Blind and the Texas School for the Deaf, describes the qualifications of the board members, and mandates the boards to organize and conduct business in the same manner as an independent school district board of trustees. The State Board of Education may require centralized services for the two schools, and these services may be managed cooperatively by the schools and the state board. (Effective August 27, 1979)

Senate Bill 1157 establishes the Texas Commission for the Deaf and abolishes the State Commission for the Deaf, in response to recommendations made by the Joint Advisory Committee on Educational Services to the Deaf established by the 65th Legislature. The act also allows the commission to establish a program for the certification of interpreters for the deaf and creates the Technical Advisory Council of Planning and Operations. The advisory council is to serve as an interagency planning council to coordinate services for the deaf. (Effective September 1, 1979)

Senate Bill 1158, in response to recommendations made by the Joint Advisory Committee on Educational Services to the Deaf, delineates functions and purposes of the Texas School for the Deaf. The Central Education Agency is directed to employ a director and assistant director of services to the deaf and the Texas School for the Deaf is designated the statewide educational resource for students who live in areas without adequate educational opportunities. The act also provides that the governor shall appoint members to the Council on Educational Services for the Deaf. (Effective August 27, 1979)

Senate Bill 1243 enlarges the duties and membership of the State Commission for the Blind and abolishes the Governor's Office for the Visually Handicapped, transferring its functions to the commission and other agencies. The act also directs the Central Education Agency to provide individualized written service plans for all eligible blind or visually handicapped students. (Effective May 31, 1979)

INSURANCE

Insurers and Agents

Senate Bill 447 amends the provisions of the Insurance Code regulating the issuance, signing, and delivery of certain insurance policies by local recording agents licensed in Texas on behalf of nonresident persons, agents, and corporations. The act simply provides that countersignatures on policies can be effected manually, by stamp, or by any other method of printing, if authorized by the agent in writing. (Effective August 27, 1979)

Senate Bill 619 provides that the indirect expenses of examining insurance companies, which are already calculated annually, may be assessed and collected on an annual basis. Previously, the indirect expenses (those incurred in the continuing operation of support staff of the State Board of Insurance) were assessed and collected at the time of a specific company's examination along with the direct expenses of that examination. The amount of the annual assessment will be allowed as a credit on the amount of the company's premium taxes. (Effective August 27, 1979)

Senate Bill 724 permits certain insurance companies to invest in obligations, certificates, and other adequately secured instruments that evidence an interest in transportation equipment. (Effective May 11, 1979)

House Bill 23 provides that a corporation licensed as an insurance agent may obtain policies insuring the corporation against errors and omissions from a company that is not licensed to do business in Texas if the corporation files an affidavit with the State Board of Insurance stating its inability to obtain such a policy from a company licensed to do business in Texas and receives the approval of the State Board of Insurance to do so. (Effective August 27, 1979)

House Bill 882 raises from \$20,000 to \$50,000 the amount that can be paid by domestic life, health, and accident insurance companies to an officer, trustee, director, person, firm, or corporation without prior approval of the company's board of directors. (Effective August 27, 1979)

House Bill 1301 provides that if an annual statement or other document or payment required to be filed with the State Board of Insurance is delivered by the U.S. Postal Service after the due date, the date of the postmark will be deemed to be the date of filing, except where otherwise provided by law. (Effective August 27, 1979)

House Bill 1373 provides that an insurer is not eligible to write surplus lines insurance if it fails to pay certain premium taxes and allows the State Board of Insurance to revoke the privilege of writing surplus lines insurance of any insurer who fails to pay its premium taxes. (Effective August 27, 1979)

House Bill 1484 adds bonds and other interest-bearing debts of municipally owned electric utility companies to the types of investments in which certain insurance companies can invest funds in excess of minimum capital and minimum surplus. (Effective June 13, 1979)

House Bill 1502 makes title insurance companies subject to the regulations in the Insurance Code concerning notification to the commissioner of insurance of any order or judgment entered against the insurer in another state. (Effective June 6, 1979)

House Bill 1503 makes several changes in the regulation of the title insurance business. First, it raises the license fee for title insurance agents and escrow officers from \$2 to \$25 to bring it into line with the fees charged other insurance agents. Second, it allows a title insurance agent to be licensed to represent more than one title insurance company. Third, the act requires an annual audit to be made of trust fund accounts for each county in which a title insurance company operates. Failure or refusal to furnish the audit report may result in revocation of the title company's certificate of authority. (Effective August 27, 1979)

House Bill 1775 requires life, health, and accident insurance companies to file their policy forms with the State Board of Insurance at least 60 days prior to using them. At the end of 60 days, the forms are deemed approved unless the company has been notified otherwise. Previously, the required time for filing and approval of forms was 30 days, but the board could extend the time allowed for approval or disapproval of such forms for an extra 30 days. (Effective August 27, 1979)

House Bill 1777 brings the licensing fees and appointment fees for county mutual insurance agents and solicitors into line with the fees charged agents under the provisions of Article 21.07 of the Insurance Code. (Effective June 6, 1979)

House Bill 1863 amends Article 21.07 of the Insurance Code to prohibit direct or indirect payments of commissions or other valuable considerations to anyone who is not currently licensed as an agent. This provision simply brings the language of this article into agreement with the other licensing sections of the code. (Effective June 6, 1979)

House Bill 2030 includes corporations organized or existing under the Texas Professional Corporation Act under the provisions

of the Insurance Code relating to the licensing of professional corporations as insurance agents. (Effective June 13, 1979)

House Bill 2040 allows the surviving spouse and children of a deceased sole proprietor or shareholder who was licensed as a local recording agent to share in the profits of the business if it is continued under the operation of a licensed agent. They need not qualify individually as agents to share in the profits, as previously required, but they cannot perform the duties of an agent unless duly licensed. (Effective June 11, 1979)

Life, Accident, and Health Insurance

Several bills were passed by the 66th Legislature expanding the types of practitioners that a person covered by a health and accident insurance policy is allowed to select to perform scheduled services and procedures.

Senate Bill 96 allows a person covered by a health and accident insurance policy to select a licensed doctor of optometry to perform scheduled services or procedures that fall within the scope of that doctor's professional license. The insurer cannot deny payment or reimbursement for such services. (Effective March 7, 1979)

House Bill 291 allows a person covered by a health and accident insurance policy to select a licensed doctor of chiropractic to perform scheduled services or procedures that fall within the scope of that doctor's professional license. The insurer cannot deny payment or reimbursement for such services. (Effective August 27, 1979)

House Bill 860 allows a person covered by a health and accident insurance policy to select a licensed dentist to perform scheduled services or procedures that fall within the scope of that dentist's professional license. The insurer cannot deny payment or reimbursement for such services. (Effective August 27, 1979)

Two new laws provide for conversion or continuation of coverage for a spouse or family of an insured if the insured's group health and accident insurance policy is terminated due to death, divorce, or termination of membership in the group.

House Bill 155 requires a group health insurance policy that provides for conversion to an individual policy when the insured person ends his employment or other membership in the group to also provide conversion privileges for the spouse of the insured in the event of divorce or the insured's death or termination of membership in the group. The spouse must be covered under the health insurance policy at the time of the insured's death, divorce, or termination of the insured's group coverage. (Effective January 1, 1980)

House Bill 1206 provides that, if a group health and accident insurance policy contains provisions for payment of benefits for

members of the family or dependents of an insured, the insurer may also provide that dependent coverage will be continued for up to 180 days after the death of the insured member. Previously, there was no provision for continuation of group insurance benefits for dependents after the death of the policyholder. (Effective June 7, 1979)

Senate Bill 267 amends the provisions of Article 3.39 of the Insurance Code relating to loans made by life insurance companies that are secured by first liens on real estate to clarify the language on the amount of the loans that may be made. It also authorizes some varying percentages in the amounts of loans on certain property to make more money available for loans on real estate and make the life insurers more competitive with other lending institutions. (Effective June 13, 1979)

Senate Bill 620 provides for the licensing and regulation of variable life insurance and variable annuity agents and agents of corporations authorized to operate nonprofit legal services plans. Previously, the procedures applicable to these types of agents had not been specified in detail in the code. (Effective August 27, 1979)

House Bill 1957 allows life, accident, and health insurance companies to reinsure any risks they may assume with any other solvent insurer, regardless of whether that insurer is licensed to transact business within the United States. A company that does reinsure can take credit for the reinsurance in its accounting and financial statements only if the assuming insurer is licensed in Texas, or the transaction complies with certain specified procedures. (Effective August 27, 1979)

Medical Malpractice Insurance

Senate Bill 214 adds the Texas Tech University School of Medicine and the Texas College of Osteopathic Medicine to the list of Texas medical training institutions that are authorized to provide medical malpractice coverage for their medical staff and students. (Effective April 26, 1979)

Senate Bill 575 amends the definition of "medical staff or students" who are to be provided medical malpractice insurance at Texas medical training institutions. Previously, medical doctors, doctors of osteopathy, dentists, and podiatrists were required to be employed full time to be eligible for coverage. Senate Bill 575 changes the definition to include those who are employed less than full time if they devote their total professional service to this employment. (Effective August 27, 1979)

Senate Bill 640 extends the existence of the joint

underwriting association established by the Texas Medical Liability Insurance Underwriting Association Act by moving the date of dissolution from December 1, 1979, to December 31, 1981. (Effective August 27, 1979)

Senate Bill 919 specifies the kinds of coverage for physicians and dentists that can be included under professional liability insurance policies issued by health care liability claim trusts, which are formed by groups of physicians or dentists in order to self-insure. (Effective May 11, 1979)

Miscellaneous

Senate Bill 378 adds a new chapter to the Insurance Code to provide for the licensing and regulation of companies engaged in making loans for the purpose of financing insurance premiums. (Effective August 27, 1979)

Senate Bill 465 includes Texas peace officers in the class of officials authorized to request that an insurance company investigating a fire loss release certain information. (Effective June 11, 1979)

Senate Bill 625 deletes the requirement that the names and compensation of State Board of Insurance clerks be included in the board's annual report to the governor. The governor, however, may still make a specific request for this information. (Effective August 27, 1979)

Senate Bill 642 amends the uninsured and underinsured motorist insurance provisions of the Insurance Code to clarify language that has caused considerable confusion because it requires an insured motorist with both collision coverage and uninsured motorist coverage to recover only under the coverage with the lowest deductible amount. Although a particular coverage may have a low deductible, the actual amount paid under it for losses may be insufficient to fully compensate the insured motorist for his or her losses. Under Senate Bill 642, the insured will be able to select which of the coverages will be the primary coverage for paying his or her losses and may recover under both coverages if one coverage is insufficient to pay the loss. (Effective January 1, 1980)

Senate Bill 1012 amends the Catastrophe Property Insurance Act to protect the participating companies and the insurance pool when a major disaster or series of disasters results in excessive damages. If the insured losses in the defined catastrophe area exceed \$100 million in a single year, any company that has paid its share of the total losses is entitled to credit its share of the amount over \$100 million against its premium tax. This tax credit

is to be allowed at a rate of up to 20 percent a year. The amount not claimed as a tax credit may be reflected in the company's records as an asset. (Effective August 27, 1979)

House Bill 452 prohibits raising a driver's motor vehicle insurance rate because of a charge or conviction for a violation of the Uniform Act Regulating Traffic on Highways. (Effective June 13, 1979)

House Bill 711 authorizes the writing of motor vehicle insurance covering persons over 55 years of age on a group marketing basis. To be eligible, a group must have been in existence for at least six months prior to purchasing the insurance and must have been organized for a purpose other than becoming an insurance group. The act imposes a number of conditions on group marketing of motor vehicle insurance. (Effective August 27, 1979)

House Bill 962, the Residential Service Company Act, provides for regulation and licensing of residential service companies by the Texas Real Estate Commission. A relatively new business in Texas, residential service has created some controversy in other states over whether it is a type of insurance business. It was decided in Texas that regulation of such companies properly lies within the jurisdiction of the Texas Real Estate Commission rather than the State Board of Insurance. (Effective August 27, 1979)

House Bill 1079 amends the Texas Property and Casualty Insurance Guaranty Act to provide for the payment of the administrative expenses incurred in processing and paying claims against an insurance company that is an impaired insurer under the act. (Effective August 27, 1979)

House Bill 1184 enables the State Board of Insurance to refund overpayments or payments of any tax, fee, or other sum of money made in error by a person, firm, or corporation as soon as it is determined that such a refund is appropriate, with certain exceptions. Previously, no refunds could be issued without authorization by the legislature. (Effective May 2, 1979)

House Bill 1297 makes various changes in the law concerning the regulation of aircraft insurance. First, it allows the State Board of Insurance to decide whether a public need exists for the regulation of aircraft hull and aircraft liability insurance. If so, insurers would be required to file all policy forms and endorsements with the board for its approval, rather than using uniform policy forms and endorsements prescribed by the board as the law previously called for. The act also authorizes the establishment of an aircraft insurance fund and a maintenance tax to be imposed on aircraft insurers. The funds derived from the tax would be dedicated to the regulation of aircraft insurance. (Effective June 7, 1979)

House Bill 1572 provides that, in the sale of a boat that may be enrolled or licensed as a yacht with the U.S. Coast Guard, the seller may require the buyer to provide protection and indemnity insurance, longshoremen's and harbor worker's compensation insurance, and medical payments insurance for the boat, and may include the cost of such insurance as a separate charge in the purchase contract. (Effective August 27, 1979)

LABOR

Workers' Compensation

Senate Bill 66 amends the law requiring a subscriber employer to file with the Industrial Accident Board a report of any accident resulting in injury to an employee that causes the employee to miss more than one day of work. The accident report was required to be filed within eight days after the occurrence of the accident. The amendment provides that the report be filed within eight days following the accident-related absence from work and the employee's notice thereof to the employer. (Effective August 27, 1979)

Senate Bill 232 expands the workers' compensation program for state employees to include persons who are paid from state funds but who perform services for and are supervised by a political subdivision of the state. The act excludes persons who are performing services for the federal government and who are covered by some form of federal workers' compensation, prisoners or inmates of a correctional institution, and clients or patients of a state institution or agency. The act removes a requirement that state employees use accrued sick leave before receiving weekly compensation payments, but allows employees to elect to use the sick leave in that manner. A state employee who is paid for emergency leave while receiving workers' compensation payments is limited to receiving an amount equal to the difference between his or her basic monthly wage and the amount of workers' compensation payments received. Emergency leave payments, which under the general appropriations act are discretionary with the agency head, are limited to a six-month duration. (Effective August 27, 1979)

Senate Bill 233 makes insurance companies writing workers' compensation insurance subject to a statutory provision requiring notice of cancellation of policies. (Effective June 13, 1979)

Senate Bill 340 reduces the amount of information an employer is required to provide the State Board of Insurance when the employer becomes a subscriber to the workers' compensation law. This act also requires that notice of cancellation or nonrenewal of a workers' compensation policy be sent by the insurer to the board and the employer. (Effective June 13, 1979)

Senate Bill 432 provides that a parent is ineligible to receive the workers' compensation death benefits of a child whom the parent had abandoned. The burden to prove abandonment is on the individual seeking to disqualify the parent. (Effective August 27, 1979)

Senate Bill 434 requires hospitals to release upon request any records pertaining to an injured worker seeking compensation

under the workers' compensation law. The penalty for refusal to comply on the part of the hospital is nonpayment. The Employers' Insurance Association also has the right under this act to challenge the amount of charges for treatment being sought by any medical, chiropractic, hospital, or nursing service. (Effective June 11, 1979)

Senate Bill 759 amends the law relating to the workers' compensation second injury fund, which is used to compensate workers who suffer more than one compensable injury and which is supported by payment to the fund of the workers' compensation death benefits of workers who have no beneficiary. The act raises the fund balance amounts at which insurance carriers are required to begin making payments or are permitted to cease making payments. In addition, the act establishes a presumption that no beneficiary is entitled to payment unless a claim is filed within eight months of the worker's death and provides a method by which insurers may be reimbursed for payments to the fund if a beneficiary is later determined to be entitled to the benefits. (Effective June 13, 1979)

Senate Bill 909 provides that for purposes of the workers' compensation program for political subdivisions, an employee hired under the federal Comprehensive Employment and Training Act of 1973 (CETA) is considered to be the employee of the prime sponsor or its contractor or subcontractor, whichever is responsible for disbursement of wages to the employee. The act also provides that the borrowed servant doctrine does not apply in those situations. Under prior law and application of the borrowed servant doctrine, a CETA employee performing services for an entity other than the prime sponsor would be covered under that entity's workers' compensation rather than the prime sponsor's, even though the prime sponsor was the only agency receiving funds for the employee. (Effective August 27, 1979)

House Bill 2123 provides that a nonresident employer covered by workers' compensation is considered to have appointed the chairman of the Industrial Accident Board to be the employer's agent for service of process in a proceeding arising from the injury or death in a foreign jurisdiction of an employee who is a Texas resident recruited in this state. Workers' compensation was extended to employees recruited in this state but working in a foreign jurisdiction by the 65th Legislature. (Effective August 27, 1979)

Unemployment Compensation

House Bill 859 provides that the definition of "wages" in determining unemployment compensation include gratuities to the extent they are considered wages under the Federal Unemployment Tax

Act. The act is closely in line with the federal provision and allows the greatest possible credit to employers as provided by federal law. (Effective August 27, 1979)

House Bill 2109 allows agricultural employers subject to the Texas Unemployment Compensation Act to make a full report of contributions annually instead of quarterly. (Effective June 6, 1979)

Texas Employment Commission

Senate Bill 754 exempts the Texas Employment Commission from the contested case provisions and part of the rulemaking provisions of the Administrative Procedure and Texas Register Act. A recent court decision had rejected the commission's contention that it was exempt under the terms of prior law. (Effective August 27, 1979)

House Bill 1362 allows the commissioners of the Texas Employment Commission to use the unemployment compensation special administration fund to reimburse the unemployment compensation benefit accounts for payments made to former state employees. The act prohibits expenditures from the fund without legislative appropriation. (Effective June 13, 1979)

Miscellaneous

Senate Bill 433 allows suits on appeal from a decision of the Industrial Accident Board to be brought in the county of the claimant's residence at the time of injury or death. Prior law required the suits to be brought in the county in which the injury occurred. (Effective May 9, 1979)

Senate Bill 714 removes previously specified fees for the inspection of boilers and allows the commissioner of labor and standards to set fees for the inspection, examination, and certification of boilers under the boiler inspection law. (Effective September 1, 1979)

House Bill 710 makes a variety of changes in the law under which labor agents are licensed. The most important changes are:

(1) exempting agricultural employers and their representatives from licensing if they recruit through the Texas Employment Commission;

(2) requiring the Department of Public Safety to release to the commissioner of labor and standards arrest and conviction records of applicants for licensing as a labor agent;

(3) eliminating the requirement of an examination to qualify for an initial license and reducing the license fee from \$150 for each county in which the licensee operates to a single \$50 fee;

(4) reducing the amount of bond required of licensees from

\$5,000 to \$2,500; and

(5) granting the commissioner the power to suspend licenses (previous law provided only for revocation). (Effective May 9, 1979)

House Bill 980 exempts from the child labor law any student or apprentice enrolled in a public school vocational education program under the administration of the public schools. (Effective June 7, 1979)

MENTAL HEALTH AND MENTAL RETARDATION

Two bills passed by the 66th Legislature dealing with mental health and mental retardation are of special significance. They are House Bill 1163 and House Bill 783.

House Bill 1163 creates a privilege of confidentiality between a professional who treats psychological illness and a person who seeks psychiatric or psychological treatment. (Effective August 27, 1979)

House Bill 783 eliminates previous qualifications for the superintendent of a state hospital and gives the commissioner of the Texas Department of Mental Health and Mental Retardation the duty of appointing the head of each department facility, subject to board approval. Previous law did not specifically designate who would have appointive powers. (Effective August 27, 1979)

Senate Bill 193 and Senate Bill 194 allow for the disclosure of confidential hospital records of a deceased patient of a mental hospital if consent is given by the executor of his or her estate, a spouse, or any adult relative of the deceased patient. Senate Bill 193 amends the Texas Mental Health Code and Senate Bill 194 amends the Mentally Retarded Persons Act of 1977. (Both effective March 15, 1979)

Senate Bill 317 allows the Texas Board of Mental Health and Mental Retardation to transfer utility expense funds among facilities or institutions under its direction during the fiscal year ending August 31, 1979. (Effective March 7, 1979)

Senate Bill 463 transfers the facilities of the Waco State Home to the Texas Department of Mental Health and Mental Retardation and authorizes the creation of a residential treatment facility for emotionally disturbed juveniles. (Effective August 27, 1979)

Senate Bill 667 provides for the establishment of security measures at the San Antonio State Hospital to be enforced by the Texas Department of Mental Health and Mental Retardation. (Effective May 24, 1979)

Senate Bill 1186 provides that for the remainder of the fiscal year ending August 31, 1979, the Texas Department of Mental Health and Mental Retardation may transfer to the residential services program of the Corpus Christi State School any available sums appropriated to other state schools for the mentally retarded, not to exceed \$145,128. (Effective May 17, 1979)

Senate Bill 1226 provides that any member of the medical

advisory committee or any other advisory committee of the Texas Department of Mental Health and Mental Retardation shall be reimbursed for travel expenses incurred in connection with the performance of his or her duties. (Effective August 27, 1979)

Senate Bill 1227 provides that an application for temporary hospitalization of a proposed patient may be filed not only in the county where the patient resides but also in the county where the patient is found or in the county where the patient is hospitalized by court order. (Effective August 27, 1979)

Senate Bill 1228 provides that a person who has received a comprehensive diagnosis and evaluation from the Texas Department of Mental Health and Mental Retardation and requests additional independent diagnosis and evaluation shall be responsible for the additional expense. (Effective August 27, 1979)

House Bill 686 establishes the Laredo State Center for Human Development as a facility of the Texas Department of Mental Health and Mental Retardation. (Effective September 1, 1979)

House Bill 784 revises the listing of facilities administered by the Texas Department of Mental Health and Mental Retardation. (Effective August 27, 1979)

House Bill 1662 provides that the state shall reimburse a county for not more than \$50 of the cost of a recommitment hearing that is required for mentally retarded persons by the Mentally Retarded Persons Act of 1977. (Effective May 24, 1979)

House Bill 1917 allows for the court authorization for the donation of a kidney to a designated person by a mentally retarded person and establishes the procedures and standards for the authorization. (Effective September 1, 1979)

House Bill 1989 provides that mental health and mental retardation community centers are state agencies and units of government as defined by the Texas Tort Claims Act. (Effective August 27, 1979)

OIL AND GAS

House Bill 983 defines "wild well" and specifies that indemnity agreements may be made regarding liability for damages from death, bodily injury, or injury to property resulting from efforts to control a wild well to protect the general public or to prevent the depletion of vital natural resources. (Effective May 17, 1979)

House Bill 1457 establishes a procedure for the leasing of Relinquishment Act land for oil and gas when the owner of the soil is unknown or unavailable to do so as agent of the state. The bill authorizes the commissioner of the General Land Office to determine when an owner of the soil is unknown or unavailable and authorizes and provides procedures by which the School Land Board may lease such land for oil and gas. (Effective June 6, 1979)

House Bill 2008 makes changes in the regulatory scheme under the Liquefied Petroleum Gas Code and conforms the code to the Administrative Procedure and Texas Register Act. (Effective June 13, 1979)

Senate Bill 140 authorizes the Railroad Commission of Texas to adopt necessary rules to implement state responsibility under federal law or rules governing common carrier pipelines and oil and gas wells in Texas. The bill also appropriates funds to the commission for carrying out state responsibilities under the pricing and classification policies mandated by the federal Natural Gas Policy Act of 1978 and Energy Regulatory Administration regulations. (Effective March 15, 1979)

Senate Bill 257 authorizes the Railroad Commission of Texas to permit production of oil or gas or both in a commingled state in certain cases to prevent waste, promote conservation, or protect correlative rights. (Effective May 29, 1979)

PARKS AND WILDLIFE

Senate Bill 577 makes the following amendments to the Parks and Wildlife Code:

Article 1. The amendments under this article combine the special game and fish fund and the water safety fund to create the game, fish, and water safety fund.

Article 2. The amendments under this article conform the Uniform Wildlife Regulatory Act to the administrative procedures in the Administrative Procedure and Texas Register Act and eliminate the requirement that copies of Parks and Wildlife Commission regulations be given to each department employee.

Article 3. The amendments under this article expand the power of the commission to lease and sell Texas parks and wildlife land.

Article 4. The amendments under this article require a commercial fisherman to have a general commercial fisherman's license and make conforming alterations to penalty sections.

Article 5. The amendments under this article repeal certain regulations and requirements regarding the importation of protected wildlife from Mexico, the portion of the code concerning reptiles, the section concerning the inspection for commercial bait-shrimp boat licenses, and the section of the code relating to game preserves. (Effective September 1, 1979)

Administration

House Bill 63 specifies terms of acceptance and acquisition of land by the Parks and Wildlife Department in order to prevent the loss of potential donations of land and improvements on land for park purposes in the state. (Effective August 27, 1979)

House Bill 307 gives the chairman of the Parks and Wildlife Commission the authority to sell, on behalf of the State of Texas, to the highest bidder, an 18-acre tract of surplus park land in the town of Rusk, with the proceeds from the sale being used exclusively for the use and benefit of the Texas State Railroad. (Effective May 15, 1979)

House Bill 1277 authorizes the Parks and Wildlife Department to remove or contract for the removal of sand, silt, and other materials from state-owned submerged land to provide access to boat ramps. Marl, sand, gravel, shell, and mudshell may also be removed without payment to the commission if removed from land or flats patented to a navigation district by the state to provide access to a boat ramp. (Effective August 27, 1979)

House Bill 1918 permits the proceeds from the 50-cent tax levied on each 1,000 cigarettes formerly appropriated to the Texas

parks fund to now be credited to the state parks fund. It further provides that not more than 25 percent of this tax revenue be used by the Parks and Wildlife Department for the operation and maintenance of state parks and historic sites, with the remaining proceeds being used for their acquisition, planning, and development. (Effective September 1, 1979)

House Bill 2158 relates to the request made by the citizens of Matagorda County to reopen the passage known as Brown Cedar Cut to preclude flooding and sediment build-up in the upper portion of Matagorda Bay. The act allows a nonprofit corporation, fund, or foundation exempted from federal income taxes to take sand, gravel, marl, and mudshell from Brown Cedar Cut in Matagorda County and deposit it on private land without payment of a fee for the sole purpose of opening and reopening the passage between the Gulf of Mexico and East Matagorda Bay. (Effective August 27, 1979)

House Bill 2256 allows the Parks and Wildlife Commission to accept title to certain land in Goliad County adjacent to the state park at the site of the birthplace of General Ignacio Zaragoza. (Effective June 6, 1979)

Hunting and Fishing

House Bill 1872 amends the law relating to the catching of shrimp by: (1) permitting the taking of smaller shrimp in the major bays during the fall season; (2) requiring that an applicant for a commercial bay shrimp boat license be primarily engaged in business as a commercial fishery; (3) making the limitation on the number of trawl doors, spreading devices, or try-net doors to be used in inside water also applicable during the fall season and specifying a maximum size for each door; and (4) limiting to 15 pounds per day the amount of shrimp a person may catch in the major bays for personal use. (Effective August 27, 1979)

Senate Bill 334 prescribes not only the maximum size for shrimp trawls, but also a uniform method of measuring them. Moreover, it repeals the section of the Parks and Wildlife Code regarding inspections for commercial bait-shrimp boat licenses. (Effective June 11, 1979)

House Bill 383 provides a limitation on the size of blue crab that may be lawfully caught and retained. It also amends the section of the Parks and Wildlife Code relating to the unlawful taking of sponge crabs. (Effective August 27, 1979)

House Bill 760 authorizes the use of shad trawls for fishing in public fresh water. (Effective June 13, 1979)

House Bill 952 prohibits any person from selling or

possessing for the purpose of sale a living armadillo or skunk in Texas in order to prevent diseased animals from being sold and causing an epidemic outbreak of rabies or other communicable diseases. (Effective August 27, 1979)

House Bill 1627 prohibits the taking or catching of fish with and the use of a set or drag net or seine in either Anderson County or Cherokee County. This prohibition is limited to certain designated months of the year and to certain waters in both counties. (Effective May 15, 1979)

House Bill 1738 amends the Parks and Wildlife Code by adding a section concerning the use of monofilament nets for catching finfish and by adding a section relating to the use of tags for noncommercial nets and seines. (Effective July 1, 1980)

House Bill 2038 prohibits hybrids of striped bass and white bass from being sold, possessed, or transported for sale, increases the charge per acre for oyster locations to \$2.25 and the barrel charge to \$10, and places all aquatic life in Smith County under the Uniform Wildlife Regulatory Act. (Effective August 27, 1979)

House Bill 2046 includes nutria among the list of fur-bearing animals protected under the Parks and Wildlife Code. (Effective August 27, 1979)

Senate Bill 64 prohibits any person from retaining redfish or spotted sea trout caught with a trawl during the period between December 16 and February 28. (Effective August 27, 1979)

Senate Bill 335 amends the law on shrimping by redefining major bays to include and exclude certain named waters, by creating a new category of bait bays and a new category of nursery areas, by prohibiting any shrimping in nursery areas except for certain bait-shrimp dealers who are already in business in a nursery area, and by providing bait-shrimp size limitations in bait bays. (Effective August 27, 1979)

Senate Bill 764 provides a penalty for offenses relating to the taking of shrimp. (Effective September 1, 1979)

Hunting and Fishing Licenses

Senate Bill 580 permits the Parks and Wildlife Commission to set the fees for the issuance and renewal of certain hunting and fishing licenses in excess of the amounts set by statute. It creates a new commercial finfish fisherman's license, the criminal penalties for violation of this license, and a special reciprocal provision concerning the license fee for a nonresident general commercial fisherman's license. Moreover, it provides that future

commercial shrimp boat licenses be issued in the form of a single license covering the number of persons licensed as captain and crew, rather than issuing separate licenses to the captain and each crew member. It also allows fish and other aquatic life lawfully taken from the water of another state to be sold within this state without regard to this state's size limitations. Finally, this legislation increases the Lake Texoma fishing license fee to \$5. (Effective August 27, 1979)

House Bill 448 requires the dismissal of a charge of not having a valid license to hunt or fish if the person charged produces, at or before trial, a hunting or fishing license that was valid at the time of the offense. (Effective August 27, 1979)

Uniform Wildlife Regulation

House Bill 1022 makes the Uniform Wildlife Regulatory Act applicable to all wildlife resources in Kleberg County except shrimp and oysters and except on land leased to the National Association of Audubon Societies. (Effective June 7, 1979)

House Bill 1414 places under the Uniform Wildlife Regulatory Act all wildlife resources in the water area of Lake Limestone located in Leon County. (Effective May 15, 1979)

House Bill 2153 includes Comal County among those counties permitted to approve or disapprove proclamations of the Parks and Wildlife Commission under the Uniform Wildlife Regulatory Act. (Effective May 22, 1979)

House Bill 2211 places under the Uniform Wildlife Regulatory Act all the wildlife resources in LaSalle County. It provides, however, that Section 62.005 of the Parks and Wildlife Code prohibiting hunting with a light specifically remains in effect. (Effective August 27, 1979)

House Bill 2237 places under the Uniform Wildlife Regulatory Act all the wildlife resources in Brooks County. This act also includes Brooks County among those counties permitted to approve or disapprove proclamations of the Parks and Wildlife Commission. (Effective August 27, 1979)

House Bill 2268 places deer, fur-bearing animals, and all aquatic life, except shrimp and oysters, in Refugio County under the Uniform Wildlife Regulatory Act. It also includes Refugio County among those counties permitted to approve or disapprove proclamations of the Parks and Wildlife Commission under that act. (Effective June 6, 1979)

Senate Bill 300 includes all marine life in Galveston County

under the Uniform Wildlife Regulatory Act. (Effective August 27, 1979)

Local Game Laws

House Bill 348 delineates a tract of land in Van Zandt County on which turkey hunting is to be prohibited and provides a criminal penalty for those who violate this statute. This statute expires on November 16, 1984. (Effective May 9, 1979)

House Bill 583 includes Zapata County among the list of counties in which the hunting of predators from aircraft may be permitted. (Effective May 9, 1979)

House Bill 958 restricts persons from selling or possessing with the intent to sell certain wild animals, i.e., a living armadillo, squirrel, skunk, bobcat, porcupine, raccoon, wolf, coyote, bear, fox, or opossum in Kaufman, Van Zandt, and Wood counties in order to control epidemic outbreaks of rabies or other communicable diseases carried by wild animals. (Effective August 27, 1979)

House Bill 1427 regulates the sale of fish, fishing methods, trotlines, and nets and seines in McMullen County. (Effective August 27, 1979)

House Bill 1587 regulates the construction and placement of duck blinds on Caddo Lake in Harrison County and the placement of duck blinds on Caddo Lake in Marion County. (Effective August 27, 1979)

House Bill 2180 regulates the sale of fish, fishing methods, trotlines, and nets and seines in Live Oak County. (Effective August 27, 1979)

House Bill 2181 creates a game sanctuary in Live Oak County and establishes regulations to be followed within this game sanctuary. (Effective August 27, 1979)

House Bill 2189 provides for the regulation and use of nets and seines in the taking of rough fish from the rivers and streams of Grimes County. (Effective June 6, 1979)

House Bill 2197 extends the open season on quail in Rains County to January 31 (formerly January 16) and prohibits hunting of quail on Sunday. (Effective June 13, 1979)

House Bill 2234 prohibits the hunting of wild turkey in Morris County before September 1, 1983. (Effective August 27, 1979)

House Bill 2240 repeals the law relating to the use of a bow and arrow or a muzzle-loading firearm while hunting deer in Grimes County. (Effective June 6, 1979)

House Bill 2241 amends the Parks and Wildlife Code to provide that in Kerr County the hunting of exotic game on a public road or right-of-way or on private property without the express consent of the landowner, or the possession of the carcass of an exotic animal, is prohibited. (Effective June 13, 1979)

House Bill 2261 permits spike deer to be taken, killed, or possessed in Cass County. (Effective August 27, 1979)

House Bill 2265 prohibits the trapping of fox in Sabine County. (Effective August 27, 1979)

Senate Bill 583 changes the hunting season for wild turkeys in Foard County from the period between November 30 to December 15 to the period between November 5 to December 5. It also provides that not more than one turkey gobbler or bearded hen be taken during the open season in Foard County. (Effective August 27, 1979)

Senate Bill 1199 adds Starr County to the list of counties in which the hunting of predators from aircraft may be authorized by permit from the Parks and Wildlife Department. (Effective June 6, 1979)

Parks

House Bill 233 enables the state to take advantage of the federal Urban Park and Recreation Recovery Act of 1978, which provides grants to urban areas and counties to restore and repair existing parks. House Bill 233 creates the Texas local parks, recreation, and open space fund, which is designed to achieve the following objectives: match federal rehabilitation and recovery grants for local parks, acquire and develop state parks in urban areas, and provide matching grants of one-half the cost of new local parks. This new fund will be supported by the existing state cigarette tax. (Effective September 1, 1979)

House Bill 563 creates the Matagorda Island State Park and Wildlife Management Area consisting of all land, including tideland, submerged land, and beaches, belonging to the state on Matagorda Island in Calhoun County on and after June 1, 1979. In 1978, the U.S. Department of the Interior and the State of Texas reached an agreement concerning Matagorda Island that gives the state control of the northern part of the island. (Effective May 9, 1979)

House Bill 867 establishes the Franklin Mountains State Park near El Paso and authorizes the Parks and Wildlife Department to acquire land for the state park by purchase, gift, and condemnation. The area included in this new state park contains many unique features, such as prehistoric and historic archaeological sites, remains of a tin mine, 26 species of plants on current lists of rare, threatened, or endangered species, and the highest structural point in Texas. (Effective August 27, 1979)

House Bill 1225 permits, through payment of a fee, advance reservation of lodgings and campsites at state parks, requires a fee refund if the reservation is cancelled 72 hours prior to the day the site is to be occupied, applies this fee to the first day's user fee if the reservation is confirmed, and provides that a user fee is not required in advance as part of the reservation procedure. (Effective June 7, 1979)

Senate Bill 616 amends the Natural Resources Code to provide that mineral leases may be granted for any land within the state park system, rather than only in the specific parks previously listed. (Effective May 9, 1979)

Water Safety

Senate Bill 301 prohibits the use of nets or seines unless they are equipped with floats for the purpose of increasing their buoyancy and visibility and reducing the hazards to motorboats. (Effective August 27, 1979)

Senate Bill 423 allows a person seeking issuance or renewal of a boat title and registration to apply at the tax assessor-collector's office in the county courthouse or subcourthouse. It also permits the county to retain 10 percent of the fee charged to compensate for the additional responsibility. (Effective August 27, 1979)

PROBATE

House Bill 329 is a major revision and clarification of the Texas Probate Code and makes numerous substantive and procedural changes in the code. It resulted from an extensive study by the House Committee on Judiciary to determine needed legislative improvements in Texas probate law. Section 5 of the Texas Probate Code is amended to provide for the transfer of contested probate matters from the county courts to the statutory courts with probate jurisdiction. A new Section 5A is added to the code to clarify jurisdiction of matters incident to an estate or appertaining to estates. Section 42 is amended to conform the inheritance by and from legitimated children to the Texas Equal Rights Amendment and the Equal Protection Clause of the U.S. Constitution. Section 47 now adopts the Uniform Probate Code provision by which heirs, devisees, beneficiaries, and survivors who do not survive the decedent for 120 hours are treated as if they predeceased the decedent. To reduce controversy and litigation relating to contracts concerning succession, Section 59A is added to the code, adopting in part a provision of the Uniform Probate Code and specifying the proof necessary to prove a contract to make a will or devise or not to revoke a will or devise. Section 69, as amended, remedies judicial decisions that voided certain will provisions by adopting the Uniform Probate Code stipulation that a divorced spouse is not a surviving spouse. Section 145, as amended by the 65th Legislature, expanded independent administration in Texas but was limited to estates where the value of the assets did not exceed \$200,000 and to wills and codicils published after September 1, 1977. House Bill 329 removes that arbitrary date and monetary limitation. Section 149B is added to the code to provide for the authority and procedure for a court-ordered accounting and distribution by an independent executor, but only after the expiration of 12 months after all estate and inheritance taxes are paid or three years from the date the independent administration is created. Section 149C is another new section of the code and provides the authority and procedure for a court-ordered removal of an independent executor on specifically enumerated grounds. A new Chapter XI is added to the Texas Probate Code to codify the Texas law relating to nonprobate transfers that result from a multiple-party account, such as a joint account, a P.O.D. account, or a Totten trust account. This chapter is patterned after and enacts much of Article VI of the Uniform Probate Code and sets forth the relationship between the parties to the multiple-party account and the rights of the survivors, the financial institutions, and the creditors. Other amendments to the Texas Probate Code made by House Bill 329 are designed to conform the code to federal tax laws, make needed technical corrections, increase or remove dollar amounts to reflect the reality of today's inflated economy, and improve the Texas probate law with several other procedural and substantive changes. In addition to the

amendments to the Texas Probate Code, House Bill 329 also amends Article 2327, Revised Civil Statutes of Texas, 1925, to require the appointment of a court reporter in a contested probate matter in a county court, and amends Article 1994, Revised Civil Statutes of Texas, 1925, to authorize the court in which a judgment is awarded to a minor to establish a trust to administer the funds from the judgment for the minor, with a trust company or state or national bank to serve as trustee. (Effective August 27, 1979)

Senate Bill 462 provides that a trustee or personal representative of the estate of a deceased person who was a partner in a firm shall, if he or she continues the partnership in the place of the deceased partner, be liable to third persons only to the extent of the assets contributed to the partnership and the other assets of the estate or trust under the control of the trustee or personal representative. (Effective April 11, 1979)

House Bill 648 conforms various sections of the Texas Probate Code to the Texas Equal Rights Amendment by neutering terminology that designated a specific sex and thereby arbitrarily deprived either males or females of rights to which they should be entitled. The bill also amends the code to provide for one class of legitimated children and their fathers in order to equalize the inheritance rights of all legitimated children and their fathers. (Effective August 27, 1979)

House Bill 1451 amends the Texas Probate Code to further delineate the guardianship of deceased wards and to provide for court-ordered final accounting by the guardian in order to eliminate disputes between the guardian and personal representative of the estate. It also provides for payment of the ward's funeral expenses and expenses of last illness following payment of any claim against the estate that was established in suit prior to the ward's death. (Effective August 27, 1979)

House Bill 1691 amends the section of the Texas Probate Code that classifies and gives priority of payment to claims against the estate of a deceased person. The limit on funeral expenses and expenses of last sickness that can be claimed as a first priority is raised from \$1,000 to \$5,000. (Effective August 27, 1979)

PROPERTY INTERESTS

House Bill 1773 requires that a landlord remedy a condition that materially affects the health or safety of a tenant if the condition was not caused by the tenant. If after notice the landlord does not attempt to remedy the condition, the tenant may terminate the rental agreement or may sue for a court order to require the landlord to correct the condition and for damages. There are penalties for a tenant who files a lawsuit under this act in bad faith and for a landlord who retaliates against a tenant for bringing suit. (Effective September 1, 1979)

House Bill 226 clarifies the language of existing law to specify that a receiver of a mineral interest owned by a nonresident or unknown owner, whether or not the receiver is the county judge, must deposit money received from the execution of a mineral lease with the clerk of the district court. (Effective August 27, 1979)

House Bill 1160 provides that a person holding a possessory lien on a motor vehicle for work done on the vehicle may sell the vehicle only after notifying the owner and all lienholders whose liens are recorded on the certificate of title of his or her intention to sell it. (Effective August 27, 1979)

House Bill 1625 voids deed restrictions that require the use of wood roof shingles for residential property. (Effective August 27, 1979)

Senate Bill 494 provides that, when the plaintiff in a condemnation proceeding abandons the proceeding, he or she must reimburse the defendant landowner for expenses incurred. It allows treble damages if the plaintiff files a second petition to condemn the same property and it eliminates the ceiling on the allowance for moving expenses for personal property. (Effective May 17, 1979)

PROPERTY TAXATION

Two of the most important pieces of legislation enacted during the recent regular session are in the area of property tax. The 66th Legislature, by adopting a new Property Tax Code and implementing The Tax Relief Amendment, made sweeping changes in the state's property tax system.

Senate Bill 621 enacts a new Property Tax Code. It will be Title 1 of the Tax Code, which eventually will contain all statutes relating to taxation. The Property Tax Code is divided into basic units of subtitles, chapters, and sections. Beginning in 1982, it will replace all existing statutes on property taxation with two exceptions. The laws prescribing limits on tax rates and the laws governing whether a particular taxing unit may have its own assessor-collector or must use the assessor-collector for another taxing unit are not revised.

Under the code, property will be appraised for tax purposes by an appraisal district that will be established in each county. The code will permit the county assessor-collector to make a separate appraisal for the county's taxes, but it will also permit a county to join the district by contract and dispense with the need for appraisals by the county assessor-collector. With the exception of county taxes, all property taxes, including state taxes and special taxes that are now based on the county assessor's appraisals, will be based on the district's appraisals. Thus, duplicate and often conflicting appraisals by as many as four or five different local tax offices will be reduced.

Normally, the appraisal district's boundaries will be the same as the county's, but a city, school district, junior college district, or, in many cases, water and irrigation district that overlaps two or more counties may choose to participate in a single district so that a single office will appraise all property that the jurisdiction taxes. The cost of operating the district will be allocated among the cities, school districts, special districts, and, if the county joins the district, the county, in proportion to the revenue each obtains from property taxes. The district is governed by a five-member board of directors appointed by the governing bodies of the cities and school districts and, if the county joins, by the commissioners court. Each district will have its own staff, or it can contract for the performance of its duties with a unit of local government in the district or with another appraisal district.

A taxpayer will be notified of any increase in his or her property's value and can protest to the commissioners court in the case of county values, and to a separate local review board in other cases, if the value appears erroneous or illegal. If not satisfied with the disposition of his or her protest, a taxpayer may file suit in district court.

Under the new system of appraisal required by the code, the

amount of local property tax revenue will be frozen and may not be increased except by deliberate action of local governing bodies after notice and public hearing.

Beginning January 1, 1981, the code prohibits the prevailing practice of assessing property for taxation at a fraction of its market value. Instead, it requires property to be assessed at 100 percent of its market value. The single exception to that prohibition involves the state ad valorem tax of 10 cents per \$100 of assessed value. Beginning in 1980, the assessed value for purposes of the state tax will be one ten-thousandth of one percent of market value--a negligible amount that effectively eliminates the tax.

The existing School Tax Assessment Practices Board is converted to the State Property Tax Board. This board will provide appraisal manuals, technical and legal information, and on-site assistance to local appraisal districts. The part-time board has general rulemaking authority but does not have any power to overrule or replace local appraisals or personnel.

The code does not change local government tax sources or legal limits. Except for the laws governing administration of property taxes, the code retains existing law. It is organized into a logical, consistent format containing all the law, including that now found in the constitution, statutes, court opinions, and attorney general opinions. The code modernizes the law, however, modifying it when desirable to facilitate administration or to make its application uniform among different kinds of taxing units.

The code does add a few new features designed to increase taxpayer awareness and understanding of how property taxes work. For example, the code requires notices of increases in value, of granting or denial of applications for exemptions or appraisal on the basis of productivity (in the case of agricultural or timber land), of filing requirements, and of increases in effective tax rates. The code also requires tax offices to deliver a tax statement to each taxpayer and to include in the statement all the information the alert taxpayer needs to understand how the tax amount was developed. Most of that information has not been included in tax statements in the past.

Finally, the code provides a procedure to give taxpayers greater control over increases in local ad valorem taxes. If the effective tax rate for a particular district increases by more than five percent over the preceding year's rate (not including taxes imposed to service debt), the voters, by petition, can require an election on the question of reducing the tax rate to a level that amounts to only a five percent increase.

The code does not take effect fully until January 1, 1982, so that local governments have enough time to prepare for its implementation. Prior to 1982, the state will provide technical and financial assistance for local planning and establishment of the appraisal districts.

House Joint Resolution 98, if approved by the voters, would

remove a constitutional roadblock preventing the legislature from requiring county appraisal operations to merge with the appraisal districts created in the new Property Tax Code. The proposed constitutional amendment would require a single appraisal of all property subject to ad valorem taxation and would provide for a single board of equalization within each county. The constitutional requirement that the county commissioners court sit as a board of equalization would be eliminated, and elected officials of the county or governing body of the taxing unit would be prohibited from serving as members of the board of equalization.

On November 7, 1978, Texas voters approved "The Tax Relief Amendment," proposed by the 65th Legislature, Second Called Session. Most provisions of the amendment either required or authorized implementation by the legislature. The 66th Legislature accomplished this task by enacting one omnibus measure, House Bill 1060. The act makes both optional and mandated changes in property tax law and implements a state spending limitation required by the amendment. The property tax provisions apply to all jurisdictions that impose the tax, except for the provisions relating to residential homestead exemptions, which apply only to school districts.

1. Taxation of Agricultural Land

Article VIII, Section 1-d-1, of the Texas Constitution, added by The Tax Relief Amendment, directs the legislature to provide for taxation of open-space land devoted to farm or ranch purposes on the basis of productive capacity rather than market value. House Bill 1060 defines the open-space land that qualifies for this special valuation and sets out the method of assessing qualified land on the basis of its productive capacity. To qualify, land must be currently devoted principally to agricultural use and have a history of agricultural use during at least five of the preceding seven years. Land located inside the corporate limits of a city or town must have been devoted principally to agricultural use continuously for the preceding five years. Land owned by nonresident aliens or foreign governments or by a corporation or other business entity controlled by foreign interests is not considered qualified open-space land.

If land that has qualified for the agricultural-use valuation is later diverted to a use other than agriculture, an additional tax (sometimes called a rollback tax) is imposed based on the preceding five years and including seven percent interest. This tax is triggered by change of use and not by a sale of the land.

The School Tax Assessment Practices Board (to become the State Property Tax Board under the new property tax code) is directed to prepare appraisal manuals for all tax jurisdictions and to develop application forms for taxpayers. An application for agricultural-use valuation must be filed during a taxing jurisdiction's rendition period; however, in 1979, House Bill 1060

provides that an application is considered timely if filed within 45 days after May 31, 1979.

This method of assessment for farm and ranch land applies to taxes for 1979 unless the taxing jurisdiction formally postpones implementation until 1980 or the jurisdiction's tax roll has been certified prior to May 31, 1979.

2. Taxation of Timber Land

Article VIII, Section 1-d-1, of the constitution also authorizes the legislature to provide for taxation of open-space land devoted to timber production on the basis of its productive capacity. House Bill 1060 implements the optional timber-use valuation for open-space land. Implementation is similar to that for agricultural-use valuation. One major difference is a provision that establishes a minimum value for timber land at the value indicated on the 1978 tax roll.

3. Taxation of Intangible Property

Adoption of The Tax Relief Amendment removed intangible property from the constitutionally required property tax base. The legislature, however, is permitted to provide for the taxation of such property.

House Bill 1060 exempts from ad valorem taxation all intangible property except bank stock and certain intangible property now taxed effectively.

4. Personal Property Exemptions

Article VIII, Section 1, of the Texas Constitution, as amended by The Tax Relief Amendment, requires the legislature by general law to exempt from ad valorem taxation "household goods" and "personal effects" not held or used for the production of income. The section also now authorizes the legislature to exempt all or part of the "personal property homestead" of a family or single adult, the term being defined as the personal property exempt by law from forced sale.

House Bill 1060 implements the exemption of "household goods" and "personal effects," and defines the terms.

In regard to the "personal property homestead," the act exempts from ad valorem taxation all nonbusiness automobiles owned by a family or individual not a member of a family. A taxing jurisdiction, however, may continue taxation of all automobiles by formal action of its governing body.

5. Residential Homestead Exemptions

The Tax Relief Amendment granted a \$5,000 market value exemption from school taxes to every residential homestead. In addition this mandatory exemption authorizes the legislature to

exempt from school taxes up to \$10,000 of the market value of the residential homestead of an elderly or disabled person.

House Bill 1060 defines "residence homestead" and provides that all persons 65 years of age or older or disabled are entitled to an additional exemption of \$10,000 of the market value of the homestead. An elderly disabled person may receive only one \$10,000 exemption. The act also sets out the procedure to carry out the required tax freeze on a residential homestead of an elderly person receiving the additional \$10,000 exemption.

The \$5,000 and \$10,000 residential homestead exemptions are in addition to any homestead exemption for persons 65 years of age or older granted at the option of a school district under Article VIII, Section 1-b, Subsection (b) of the constitution. The act also states a legislative finding that a local taxing jurisdiction may reduce or repeal a residential homestead exemption adopted under the subsection.

A person may apply for the additional \$10,000 exemption for the 1979 tax year. The application must be made within 45 days after May 31, 1979.

6. Reimbursement to School Districts

The legislature was directed by The Tax Relief Amendment to "provide for formulas to protect school districts against all or part of the revenue loss" resulting from homestead exemptions and special treatment of agricultural and timber land.

House Bill 1060 sets out the method of reimbursing school districts for revenue loss and authorizes that \$220 million from the School Taxing Ability Protection Fund be used for reimbursement during the forthcoming fiscal biennium. To receive an allotment of the funds, school districts must file an application with the School Tax Assessment Practices Board by November 1 of each year, and the board is required to calculate the amount due each school district by January 1 of each year. Increases in state financial support under the new school finance act will reduce the calculated revenue loss of a school district in determining the amount of direct reimbursement.

7. State Spending Limitation

The Tax Relief Amendment provides that the rate of growth of appropriations from state revenue not dedicated by the constitution may not exceed the estimated rate of growth of the state's economy. The legislature was directed to provide by general law procedures for implementation of the limitation.

House Bill 1060 establishes these procedures for determining a binding limit on appropriations from state tax revenues not dedicated by the constitution. The legislature, as authorized in the constitution, may exceed the limit by adopting a resolution to override it.

8. Other Provisions

School districts may issue tax bond indebtedness voted prior to August 31, 1979, notwithstanding the 10 percent tax bond indebtedness limitation imposed in the Education Code. In addition, any taxes pledged by school districts for the payment of debt may continue to be levied and collected against the value of residential homesteads exempted under this act if cessation of the levy would impair the obligation of the contract by which the debt was created.

House Bill 1060 is effective May 31, 1979, except the provision relating to the state spending limitation and a provision amending the new property tax code, which are effective on January 1, 1980.

House Bill 42 validates the acts and proceedings of all school districts relating to the setting of tax rates and assessment ratios insofar as the acts or proceedings may be invalid because they were not accomplished by ordinance. Acts or proceedings nullified by court order or involved in certain litigation are not validated.

The act also includes a provision that sets out the authority of a tax collector of a taxing unit other than a county to refund an excessive or erroneous payment of ad valorem taxes. (Effective August 27, 1979)

Senate Bill 204 exempts from all property taxes the value of assessed property arising from the construction or installation of any solar energy device. (Effective January 1, 1980)

Senate Bill 592 reduces the penalty from a Class A to Class C misdemeanor for failure of certain tax officials to register with the Board of Tax Assessor Examiners. (Effective May 9, 1979)

Senate Bill 1035 provides that for the purpose of enforcing tax liens mobile homes are considered personal property although for the purpose of taxation they are considered real property. This distinction will enable many cases involving delinquent taxes on a mobile home to be initiated at the justice court level.

The act also provides that mobile homes that are not fixtures are covered by the four-year statute of limitations on tax suits for the collection of delinquent personal property taxes. (Effective August 27, 1979)

Senate Bill 1257 authorizes the comptroller of public accounts to grant any person who is a victim of a natural disaster an extension of not more than 90 days to make or file a tax return or pay an imposed tax. The comptroller may also assist any taxpayer in reconstructing business records that are damaged or destroyed by natural disaster.

The act additionally provides that the governing body of a political subdivision located in a declared natural disaster area may authorize reappraisal of all property damaged at its value immediately after the disaster. The governing body may provide for prorating the ad valorem taxes on the reappraised property for the year in which the disaster occurred. This provision does not apply to ad valorem taxes imposed for state purposes. (Effective May 11, 1979)

PUBLIC EMPLOYEES

House Bill 454 provides that certain state employees are entitled to longevity pay of a maximum of \$4 per month for each year of service. The pay is to begin at the end of the fifth year and to be increased at the end of each five years thereafter. (Effective September 1, 1979)

House Bill 862 changes the title of the chief clerk in the office of the state treasurer to first assistant. (Effective May 17, 1979)

House Bill 993 allows legislators with at least eight years creditable legislative service to continue participation in the Texas Employees Uniform Group Insurance program after leaving the legislature. (Effective August 27, 1979)

House Bill 1474 provides for the appointment of notaries public on a statewide basis and for the extension of terms of office for notaries public from two years to four years. It eliminates the role of county clerks in processing applications and places all administrative duties with the secretary of state's office. The act is contingent upon voters' approval of House Joint Resolution 108, which proposes a constitutional amendment concerning appointment of notaries by the state and terms of office for notaries. (Effective January 1, 1980, if the proposed amendment is adopted)

House Bill 2225 provides that members of the legislature and legislative employees may receive a per diem for travel expenses not to exceed that provided by law for state officials or state employees. The law previously had stated that they were allowed expenses not to exceed that set by the constitution for members when the legislature is in session. (Effective August 27, 1979)

Senate Bill 232 expands the workers' compensation program for state employees to include persons who are paid from state funds but who perform services for and are supervised by a political subdivision of the state. The act excludes persons who are performing services for the federal government and who are covered by some form of federal workers' compensation, prisoners or inmates of a correctional institution, and clients or patients of a state institution or agency. The act removes a requirement that state employees use accrued sick leave before receiving weekly compensation payments, but allows employees to elect to use the sick leave in that manner. A state employee who is paid for emergency leave while receiving workers' compensation payments is limited to receiving an amount equal to the difference between his or her basic monthly wage and the amount of workers' compensation payments received. Emergency leave payments, which under the

general appropriations act are discretionary with the agency head, are limited to a six-month duration. (Effective August 27, 1979)

Senate Bill 261 removes the \$25,000 limit on group life insurance coverage for any one official, employee, or retiree of a county or political subdivision of the state. (Effective August 27, 1979)

Senate Bill 778 provides a schedule for payment of social security contributions and remittance of related monthly and quarterly reports to the Employees Retirement System. The term "state working days" is defined and a penalty is set out for late payment of contributions and late submission of reports. (Effective August 27, 1979)

Senate Bill 916 includes certain credit unions as institutions from which investment contracts may be purchased for funding deferred compensation programs. The act also allows the State of Texas or political subdivisions to be considered a person for the purpose of qualifying for membership in a credit union in order to fund a deferred compensation program. (Effective August 27, 1979)

Senate Bill 1101 allows the criminal district attorney of Galveston County to represent county officials or employees in civil matters arising out of the performance of official duties, but it removes the requirement making such representation a duty of the criminal district attorney. (Effective August 27, 1979)

Senate Bill 1107 requires that a notary public who is not an attorney and who advertises in a language other than English include in any advertisement a notice that he or she is not an attorney. The act sets out the qualifying statement and specifically prohibits liberal translation of "notary public" into Spanish. Failure to comply with the provisions of the act constitutes a deceptive trade practice, and subjects a notary public to revocation of his or her commission or rejection of an application for a commission. (Effective June 6, 1979)

Retirement

House Bill 1506 represents Texas' approach to the national trend of obtaining state coordination of administration of public retirement systems. The act establishes the State Pension Review Board with members appointed by the governor, the lieutenant governor, and the speaker of the house of representatives. Duties of the board include compiling information about benefits, financing, and administration of public retirement systems, conducting studies of potential funding problems of public retirement systems, providing technical information and assistance

to the systems, and recommending policies and practices that promote sound fiscal management and equitable distribution of benefits in the systems. The act requires legislation affecting benefits or funding of a public retirement system to be accompanied by an actuarial analysis in lieu of a fiscal note, which is required for other legislation, and authorizes the board to review the analysis or prepare a second analysis to enable the legislature to fully evaluate the consequences to the public retirement system of the proposed changes in retirement law. (Effective September 1, 1979)

House Bill 306 raises by 12 percent the monthly annuities for appointive officer and employee members of the Employees Retirement System of Texas who retired before September 1, 1976. The act also provides raises in benefits for certain persons who retired or survivors of persons who died between September 1, 1976, and September 1, 1978; the appropriations bill, however, includes no funds for this group. (Effective August 27, 1979)

House Bill 546 specifies changes in the election by members of the Teacher Retirement System of Texas of nominees for appointment to the board of trustees of that system. It provides that two persons appointed shall be employed by public school districts and nominated by members with service in public school districts and provides that one person appointed shall be employed by an institution of higher education and nominated by members with service in institutions of higher education. (Effective August 27, 1979)

House Bill 848 allows certain members of the optional retirement program of the Teacher Retirement System of Texas to retain their memberships in the optional program if they become employed in nonfaculty positions in institutions of higher education. It also permits certain former members of the retirement system who chose to participate in the optional retirement program to reestablish credit with and resume membership in the retirement system before September 1, 1980. (Effective September 1, 1979)

House Bill 1147 authorizes a member of the Employees Retirement System of Texas with service as an elected state officer to purchase service credit in the system under certain conditions for any year in which the member served or was eligible to take the oath of office as an elected state officer. (Effective June 13, 1979)

House Bill 2083 makes several changes in the Teacher Retirement System of Texas. The most significant features of the act are the removal of the \$25,000 ceiling on salaries for purposes of computing average compensation and member contributions and the increase in the rate of state contributions from 7-1/2 to 8-1/2

percent of members' aggregate compensation. The act changes survivor benefits by increasing the amount of lump-sum and monthly death benefits payable under certain circumstances, by removing a surviving spouse's remarriage as a disqualification from receiving benefits, and by limiting a person qualified from more than one deceased member to receive benefits to receiving them only for one member. The act also clarifies instances in which a person is ineligible to receive benefits because he or she caused the death of the person through whom the benefits are claimed, allows a pensioner to be employed in public schools on a half-time basis, provides for waiver of benefits in writing, makes changes in the transfer of certain funds between system accounts, eliminates interest on certain types of contributions owed by members, requires a public employer to obtain employer contributions from private or federal grants if available in certain cases, and delineates certain circumstances under which a member may not obtain a refund of contributions. (Effective August 27, 1979)

House Bill 2084 raises the retirement payments and death benefit annuities for certain members of the teacher retirement system. The increases, as provided in the appropriations act, are 13 percent for those who retired or the survivors of persons with death benefit annuities who died before March 31, 1969, and 6 percent for those who retired or the survivors of persons with death benefit annuities who died between March 31, 1969, and September 1, 1973. These percentages were reduced by the appropriations act from those originally provided and passed in House Bill 2084. The act also raises monthly survivor benefit payments to the level of survivor payments to be made for members who die on or after September 1, 1980, but no funds were appropriated to cover this group. (Effective August 27, 1979)

House Bill 2206 is an omnibus bill for public retirement systems other than the Judicial Retirement System of Texas. The act requires that technical terms and assumptions used in an actuarial report required of a system by law be defined and explained, requires that the governing body of a public retirement system hold the assets of the system in trust for members and retirees of the system and their beneficiaries, requires that legislation affecting benefits or financing of a public retirement system be accompanied by an actuarial analysis of the effect of the proposed legislation on the system, and authorizes a citizen's suit to compel the governing body of a system to comply with certain administrative requirements of law. The act requires a city having a public retirement program to include a valuation of the assets and liabilities of the program in its annual financial statement. The act authorizes public retirement systems other than the Employees Retirement System of Texas, the Judicial Retirement System of Texas, the Teacher Retirement System of Texas, the Texas Municipal Retirement System, and the Texas County and District Retirement System to contract for professional investment

management services, it provides standards of service, and it delineates fiduciary responsibility and permissible purposes of investments under the contracts. In addition, the act repeals 21 obsolete laws relating to public pensions and retirement systems. (Effective August 27, 1979)

Senate Bill 43 creates a supplemental retirement fund for certain members of the Employees Retirement System of Texas who are law enforcement or custodial officers. Financing for the fund will be derived from motor vehicle inspection fees and legislative appropriations. The fund will be used to enhance retirement benefits of the affected officers and will be administered by the state employees retirement system. (Effective September 1, 1979, except sections concerning supplemental retirement benefits and the conforming amendment which are effective September 1, 1980)

Senate Bill 358 allows persons employed at either of two communication therapy centers to purchase credit in the Teacher Retirement System of Texas for service performed for the centers before they were incorporated into The University of Texas System. (Effective August 27, 1979)

Senate Bill 390 makes several changes in the principal law governing the Texas Municipal Retirement System. The act increases the maximum age for an incoming member of the system from 50 to 55 and allows a person between those ages to purchase service credit in the system for the period of service during which the person was prohibited from joining the system because of age. The act removes a requirement that a member be retired on or before the last day of the year in which the person reaches the age of 70. The act provides for the selection of an optional benefit plan by a member before retirement or by the surviving spouse if the member dies before retirement without having made a selection. The member's estate representative may select between an option and a return of contributions if neither of the foregoing situations exists. The act also provides a series of provisions that may be adopted by a participating city and must be adopted by a city joining the system in the future. The provisions provide for membership for all employees of the city who are less than 60 years old and provide for service retirement benefits at the age of 50 years with 25 years of service or at the age of 60 with 10 years of service. A member with 10 years or more of service may be absent from service and become entitled to a benefit at the age of 60. If a city already participating in the system adopts the series of provisions stated in the act, an employee who was less than 60 years old at the time of employment but barred from membership by prior law becomes a member entitled to prior service credit on the effective date of the adoption of the provisions. (Effective August 27, 1979)

Senate Bill 706 coordinates benefit plan selection under the

Employees Retirement System of Texas and the Judicial Retirement System of Texas by providing that the last death benefit plan selected under either system shall also apply to any service credit established in the other system. If a contributing member of either system dies with less than 20 years of service credit in either or both systems but after becoming eligible for a service retirement benefit under either or both systems, the surviving spouse, if any, or the guardian of any minor children, if there is no surviving spouse, may select a benefit plan. If a contributing member dies with 20 or more years of service credit in either or both systems and without having made a death benefit plan selection, the surviving spouse, if any, or the personal representative of the decedent's estate, if there is no surviving spouse, may select a plan. (Effective June 13, 1979)

Senate Bill 707 allows the personal representative of the estate of a deceased member of the Judicial Retirement System of Texas to select a death benefit plan and beneficiary if the member was eligible to do so before his or her death and if the member has no surviving spouse. (Effective August 27, 1979)

Senate Bill 763 is an omnibus bill for the Texas County and District Retirement System. Its major provisions relate to the terms and circumstances of deferred service retirement. The act requires subdivisions joining the system after August 31, 1979, to grant to employee members of the subdivision the right of deferred service retirement, the right of continued membership under certain circumstances, and the right to vest retirement benefits. The act also includes employees of district probation departments as employees of counties participating in the system, changes the definition of "beneficiary," permits consolidation of certain inactive subdivisions with no current members and no present or potential financial liability under the system, provides for the payment of interest on contributions refunded for a deceased member not entitled to a benefit, and changes the conditions under which individual membership in the system automatically ceases. (Effective June 13, 1979)

Senate Bill 775 abolishes the waiting period before transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas. The liberalized rules for transfer, however, will be in effect only until September 1, 1980, when the program of transferring service credit between the systems will cease. After that time, a person with service credit in both of the retirement systems will be required to leave credit in the system in which it was originally credited but will be eligible to receive benefits from both systems if the total service exceeds the minimum required for payment of benefits under each system. (Effective September 1, 1979)

Senate Bill 777 authorizes the use under certain conditions

of state agency funds to provide state contributions to the Employees Retirement System of Texas for certain state employees paid with funds available under the federal Comprehensive Employment and Training Act of 1973. (Effective June 11, 1979)

Senate Bill 891 exempts temporary state employees from membership in the Employees Retirement System of Texas for the first six months of employment. If a person hired on a temporary basis is still employed after six months, the person becomes a member of the retirement system and has the option of purchasing credit for service performed before membership in the system began. (Effective September 1, 1979)

Senate Bill 897 amends the Family District Court Act to specify the judges of the family district courts, district courts, and appellate courts who are eligible to transfer to the Judicial Retirement System of Texas credit for service as judge of a statutory court abolished by the Family District Court Act. (Effective August 27, 1979)

Senate Bill 1196 allows an elected officer of a subdivision participating in the Texas County and District Retirement System to become a member of the system if the person was not more than 61 years old when he or she became an elected officer and if the person and subdivision make contributions to the system to finance the person's service. The usual maximum age for becoming a member of the system is 60 years. (Effective June 13, 1979)

Senate Bill 1217 authorizes the Employees Retirement System of Texas to photograph, microphotograph, or film all records in its possession and sets out rules relating to the disposal of the original records. The reproductions have the same force and effect as the originals. (Effective August 27, 1979)

Note: Acts concerning fire fighters' and police officers' retirement systems are discussed in the section on Fire Fighters and Law Enforcement Personnel.

Fire Fighters and Law Enforcement Personnel

House Bill 239 exempts the home addresses and home telephone numbers of peace officers from the open records act. (Effective June 6, 1979)

House Bill 628 requires that any person certified or appointed as a peace officer also be declared in satisfactory psychological and emotional health to be a peace officer. Although not public information, the declaration must be made in writing by a licensed physician or psychologist selected by the agency making the appointment. Violation of the law is a misdemeanor, punishable

by a fine of \$100 to \$1,000. (Effective September 1, 1979)

House Bill 719 provides that a person who has not satisfactorily completed preparatory training in law enforcement at a school operated or approved by the Texas Commission on Law Enforcement Officer Standards and Education may be appointed as a peace officer on a probationary basis. The probationary period is for six months and the peace officer must complete the training required for certification before the end of the probationary period or be removed from office unless (1) the officer is enrolled in and attending an approved course at the end of the six-month period, or (2) an approved course has not been offered during the six-month period in the regional planning commission area where the officer has been employed. For both exceptions, the six-month period is extended until the officer can complete the certification course or ceases to attend the course. (Effective May 17, 1979)

House Bill 979 allows police officers who are employed in cities with populations of more than 10,000 and who work overtime to accept time-and-a-half compensatory time rather than overtime pay. (Effective August 27, 1979)

House Bill 1001 excludes information relating to certain traffic accidents from personal driver's license records of peace officers and fire fighters. The accident must have occurred during an emergency while the officer or fire fighter was driving an official vehicle in the course of official duties. Accident report forms must include a means for identifying peace officers and fire fighters involved in such situations and must contain a statement by the peace officer or fire fighter describing the nature of the emergency. (Effective August 27, 1979)

House Bill 1168 allows cities having more than 10,000 inhabitants to require police officers to work more hours than a normal work week after a majority of the officers working for the city sign a written waiver of the prohibition against requiring overtime work. After the waivers are signed, the city may adopt a work schedule requiring extra weekly work as long as no officer works more hours than usual during any calendar month. (Effective June 7, 1979)

House Bill 1224 provides that a person who has not satisfactorily completed preparatory training in law enforcement at a school operated or approved by the Texas Commission on Law Enforcement Officer Standards and Education is eligible to be appointed as a reserve law enforcement officer only on a probationary basis. With certain exceptions, the probationary period extends six months, during which time the officer should complete the required training. (Effective August 27, 1979)

House Bill 1325 amends the fire fighters' and police

officers' civil service statute. It expands the term "firemen" to include personnel who perform related duties, changes the probationary period for fire fighters and police officers from six months to one year, and provides that the records of the Firemen's and Policemen's Civil Service Commission are public records. It also discusses examinations, promotions, compensation, sick leave, and certain administrative procedures. (Effective September 1, 1979)

House Bill 1355 authorizes the Commission on Fire Protection Personnel Standards and Education to establish minimum standards for protective clothing and equipment for fire protection personnel. (Effective August 27, 1979)

House Bill 1469 permits political subdivisions to pay educational incentive pay to employees holding certificates from the Texas Department of Health as emergency medical technicians or as paramedics. The incentive pay is in addition to any other form of compensation. (Effective August 27, 1979)

Senate Bill 9 changes the pension allowance of certain fire fighters. It provides that the allowance shall be based on the monthly average salary for the highest paid three calendar years during the fire fighter's service rather than the highest paid 60 months of salary. It also modernizes the statute's language to reflect the employment of both male and female fire fighters. (Effective August 27, 1979)

Senate Bill 74 requires a city or special purpose district to provide a peace officer employed by it with legal counsel to defend the officer against a suit involving an official act of the peace officer in the scope of his or her authority. The counsel shall be made available without cost to the officer and at the officer's request. The act also provides that, in certain circumstances, the officer may recover reasonable attorney's fees from the city or district that fails to provide counsel. (Effective August 27, 1979)

Senate Bill 295 provides that the governing body of a city with a population of 250,000 or more may establish a separate retirement system for employees of the police department. Certain cities governed by other specified statutes are exempted from the act. (Effective May 24, 1979)

Senate Bill 324 authorizes the Texas Commission on Law Enforcement Officer Standards and Education to establish standards and qualifications for certifying persons to be employed as jailers and county jail guards. Persons hired as jailers and county jail guards prior to September 1, 1979, are exempted from these requirements. (Effective September 1, 1979)

Senate Bill 341 provides that members of police officers' pension systems who leave employment with a police department after completing at least 5 years but less than 20 years of service are entitled to a refund of their contributions to the pension system. The act provides procedures for payment of the refund and for a person's reinstatement in the pension system if the person is reemployed by the police department within two years following termination. (Effective September 1, 1979)

Senate Bill 343 makes several changes in the police officers' retirement system operating in Houston. The act defines "dependent parent" and clarifies the definition of "service," provides for the filling of vacancies on the board of trustees of the system, changes employee contribution and benefit schedules, permits investment of system funds in corporate notes and other obligations, authorizes contracts with professional investment advisors, requires an actuarial valuation to be conducted every three years, and removes the disqualification from benefits of persons convicted of certain crimes. (Effective August 27, 1979)

Senate Bill 465 includes Texas peace officers in the class of officials authorized to request that an insurance company investigating a fire loss release certain information. (Effective June 11, 1979)

Senate Bill 552 provides that a police officer who has continuously held a position for two years or more immediately prior to the date of a promotional examination in the classification immediately below the salary level of the position for which a promotional examination is being given is eligible to take the promotional examination. Any fire fighter who has ever held a continuous position for two years or more in the classification immediately below the salary level of the position open for promotion is eligible to take the promotional examination. (Effective August 27, 1979)

Senate Bill 586 entitles certain law enforcement personnel to hazardous duty pay of \$5 a month for each year of service, up to and including 30 years. The pay applies to designated groups in the Department of Public Safety, the State Board of Control, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Commission, the Texas Department of Corrections, and all state institutions of higher education. (Effective September 1, 1979)

Senate Bill 660 amends the law establishing fire fighters' and police officers' pension funds in cities with populations between 500,000 and 750,000. The act adds two retiree-beneficiary members to the board of trustees for each fund and increases contributions to the fund for both the employees and the cities. (Effective August 27, 1979)

Senate Bill 744 entitles fire fighters and police officers to assignment pay. It also provides that cities with a population of 1,200,000 or more may provide assignment pay, in addition to regular pay, for emergency ambulance attendants, helicopter personnel, bomb squad personnel, and special weapons and tactics personnel. (Effective April 26, 1979)

Senate Bill 766 changes the composition of boards of trustees of police officers' and fire fighters' pension systems in Dallas, provides a schedule of member and city contributions to finance the systems, and provides a mechanism for voter or member approval of contribution rate changes within certain limits. (Effective June 6, 1979)

Senate Bill 985 provides that jail personnel employed or utilized in the operation of a county jail on August 29, 1977, are not required to have any degree of formal education or the equivalent of an educational degree. (Effective August 27, 1979)

Senate Bill 1011 removes the absolute prohibition against overtime work for peace officers in counties with populations of more than 500,000. The act allows peace officers to elect to work extra hours and states that "the county shall compensate the officer for overtime work on a basis consistent with the overtime provisions of the county personnel policy." (Effective June 11, 1979)

Compensation

House Bill 31 is the Professional Prosecutors Act. It specifies the compensation from the state and from the county for certain district attorneys, criminal district attorneys in certain counties, and certain county attorneys performing duties of district attorneys. It also sets a minimum allowance from the state to help defray other salaries and expenses of the office and prohibits these prosecuting attorneys and certain assistant prosecuting attorneys from engaging in private law practices. One purpose of the act is to increase funds available for use in prosecution, and commissioners courts are directed to "provide the funds necessary to effectuate the purpose." (Effective August 27, 1979)

House Bill 598 entitles the county tax assessor-collector to receive payment for assessing and collecting the taxes of the San Patricio County Drainage District. (Effective April 4, 1979)

House Bill 621 provides that the maximum state and county compensation for the judges of district courts having jurisdiction in Montgomery County will be \$1,000 less than the salaries of the associate justices of the court of civil appeals in whose district

the district courts of Montgomery County are located. (Effective June 7, 1979)

House Bill 908 removes the maximum limit of \$3,600 on annual additional compensation for county and district judges who are members of the Johnson County Juvenile Board. (Effective May 15, 1979)

House Bill 1006 changes the allowance for directors of the Nueces River Authority from \$25 per day to an amount not to exceed that provided under the general law of the state. (Effective August 27, 1979)

House Bill 1167 authorizes the Commissioners Court of Denton County to pay the district judge of the 16th Judicial District a supplemental salary of not less than \$2,400; the Commissioners Court of Cooke County is authorized to pay the judge not less than \$1,200 in addition to his or her compensation paid by the state. (Effective August 27, 1979)

House Bill 1453 entitles the members of the board of directors of the Green Belt Municipal and Industrial Water Authority to a fee not exceeding \$100 for attending the regular monthly meeting of the board and a maximum of \$50 for additional meetings. They also may receive a maximum of \$100 per day spent performing duties relating to the business of the authority. (Effective August 27, 1979)

House Bill 2168 raises the compensation for the commissioners of Brazoria County Conservation and Reclamation District Number Three from \$10 to \$15 for each day spent performing district duties. (Effective August 27, 1979)

House Bill 2191 entitles the Commissioners Court of DeWitt County to set the compensation of the commissioners of the DeWitt County Drainage District No. 1 at not more than \$150 per month for the chairman and not more than \$100 a month for the other two commissioners. (Effective June 6, 1979)

House Bill 2220 provides that the court reporter of the 130th Judicial District will be compensated in the manner provided by the general law relating to the compensation of official court reporters, which is codified as Section 3, Article 3912k, V.T.C.S. (Effective August 27, 1979)

House Bill 2238 raises the compensation for the directors of the Bell County Water Control and Improvement District No. 3. Each director is entitled to receive \$25 a day while performing his or her duties, with a maximum limit of \$100 per month for each director. The directors shall also be reimbursed for actual expenses while performing duties expressly approved by the board.

(Effective June 6, 1979)

Senate Bill 50 raises the compensation for the directors of the Edwards Underground Water District from \$20 to \$50 per day and to not more than \$900 a year. (Effective August 27, 1979)

Senate Bill 186 provides that, in counties with a population of at least 1,200,000, the commissioners courts will set the annual salary of the judge of the county criminal court of appeals at a minimum of \$1,000 less than the annual salaries of judges of district courts in such counties. (Effective June 21, 1979)

Senate Bill 353 changes the compensation set for the commissioners of the Sabine River Compact from \$25 per day spent performing commission duties to an amount as provided by legislative appropriation. (Effective February 22, 1979)

Senate Bill 397 directs the Commissioners Court of Brazos County to set additional annual compensation for the district judge of the 85th Judicial District at not less than \$4,000 and changes the duties for which the judge is to be compensated. (Effective April 11, 1979)

Senate Bill 420 authorizes the Commissioners Court of Ector County to pay each of the judges of the 70th, 161st, and 224th Judicial Districts up to \$10,000 in addition to their compensation provided by law and paid by the state. (Effective August 27, 1979)

Senate Bill 538 raises the maximum allowable compensation for members of the State Soil and Water Conservation Board from \$30 to \$100 per day of actual service. (Effective May 11, 1979)

Senate Bill 548 provides new regulations concerning the appointment and compensation of an interpreter in any criminal proceeding in which the person charged or a witness does not understand and speak the English language and, in certain cases, for the nomination of an intermediary between the appointed interpreter and the person charged or the witness. The motion for appointment of an interpreter will be considered during a pretrial hearing. (Effective August 27, 1979)

Senate Bill 568 changes the maximum compensation for directors of soil and water conservation districts from \$10 a day and \$.08 per mile for travel to meetings to \$30 a day and \$.18 per mile. It also allows these sums to be paid for directors' travel to and attendance of state and district meetings of directors. (Effective March 15, 1979)

Senate Bill 615 changes mileage expenses set by commissioners courts and paid to county auditors from \$.10 per mile to "a reasonable rate." (Effective August 27, 1979)

Senate Bill 648 sets the annual compensation of district court judges in El Paso County at \$9,000 more than the salary amount paid to district judges by the state. (Effective August 27, 1979)

Senate Bill 1160 provides that each member of the board of directors of the Aransas County Conservation and Reclamation District shall receive \$25 per attended meeting of the board of directors. This compensation may not exceed \$100 in any one month. (Effective August 27, 1979)

Senate Bill 1242 provides that the commissioners courts shall set annual compensation for the district judge of the 106th Judicial District at a maximum of \$8,000 in addition to the salary paid by the state. (Effective August 27, 1979)

Senate Bill 1246 provides that the county commissioners court shall set the maximum compensation for the judge of the 109th Judicial District at \$5,000 in addition to the salary paid to the judge by the state. (Effective June 6, 1979)

Senate Bill 1264 provides that the supplemental salary paid to the district attorney of the 105th Judicial District shall not be more than \$12,000. The bill removes the requirement that one criminal district attorney be elected for Nueces, Kleberg, Kenedy, Willacy, and Cameron counties and removes Jones County from the provision that one criminal district attorney be elected for Callahan, Jones, and Taylor counties. (Effective August 27, 1979)

Senate Bill 1271 allows the deputy director, as well as the director, of the Office of State-Federal Relations to receive a per diem allowance in addition to regular compensation and travel expenses. The act also removes the \$25 limit on the per diem allowance. (Effective September 1, 1979)

PUBLIC LANDS

General Legislation

House Bill 1457 authorizes the commissioner of the General Land Office to lease Relinquishment Act land for oil and gas if the surface owner cannot be located. (Effective June 6, 1979)

House Bill 1059 authorizes the School Land Board to lease public school and gulf land to any person for the production of coal, lignite, sulphur, salt, or potash. (Effective April 3, 1979)

Senate Bill 42 allows any surveyed tracts of public land of 15 acres or less located within five miles of a well producing oil or gas in commercial quantities to be sold under the following terms and conditions: oil, gas, and other minerals on or under the tract must be reserved to the state; the purchaser of the tract must acquire a one-sixteenth nonparticipating royalty; and no drilling or mining can be allowed within 500 feet of any building located on the tract. (Effective May 9, 1979)

Senate Bill 160 allows the Texas Board of Corrections to lease state-owned land under its management and control at its fair market lease value for an initial period not to exceed 20 years. The proceeds from this leased land will be deposited in the state treasury and credited to the special mineral fund for the exclusive benefit of the Texas Department of Corrections. (Effective August 27, 1979)

Senate Bill 362 allows the chairman of the Texas Board of Corrections to approve a request and grant a permit for a geological survey or investigation on prison land which conforms to the consideration, terms, and conditions fixed by the Board for Lease of Texas Prison Lands. Previously, the entire board was required to hold a formal meeting to approve each request for seismic work on land belonging to the Texas Department of Corrections every time such a request was made. The Board for Lease of Texas Prison Lands is directed to establish and revise from time to time a schedule of rates and to set and revise from time to time consideration, terms, and conditions for permits. (Effective August 27, 1979)

Senate Bill 469 reinstates and extends the authority of the commissioner of the General Land Office to trade public school lands from December 31, 1979, to December 31, 1982, and states that no trades be made after that date. (Effective April 11, 1979)

Senate Bill 543 pertains to the conditions for the sale of public school and asylum land of 150 acres or less. The land will be sold without condition of settlement and with a reservation of

all oil, gas, and other minerals to the state. The owner of land surrounding land in a tract of 150 acres or less has the first opportunity to purchase it, provided that he or she pays not less than the fair market value. A purchaser of land must make a down payment of at least 10 percent of the total cost of the land and must pay the rest over a 20-year period at 8 percent interest. Appraisers for the General Land Office will appraise the land at fair market value with no land being sold for less than that amount. Where not expressly provided, land sold under this statute will be sold in the manner of and subject to the conditions for the sale of other land. (Effective May 24, 1979)

Senate Bill 737 allows the leasing of public school and asylum land for commercial purposes in tracts of not more than 50 acres for a lease term of not more than 50 years with improvements on the land remaining the property of the lessee and taxed as private property. (Effective May 17, 1979)

Land Transfers and Sales

House Bill 305 permits the commissioner of the Texas Department of Mental Health and Mental Retardation to sell the surface or mineral estate of a 53-acre tract of surplus land adjacent to the Rusk State Hospital owned by the Texas Department of Mental Health and Mental Retardation. The proceeds from the sale of this land will be used for the renovation of ward buildings at the Rusk State Hospital. (Effective August 27, 1979)

House Bill 779 authorizes Pan American University to acquire land within Hidalgo County contiguous to the main campus and necessary for campus expansion. The bill also allows the university to dispose of land not contiguous to the main campus, but adjacent to property of the Edinburg Consolidated School District. The proceeds from any sale or lease of real property will be deposited as other local funds of the university. (Effective August 27, 1979)

House Bill 1069 authorizes the University System of South Texas to convey all of the interest of the State of Texas, except the mineral rights, in a .75-acre tract of land in exchange for a tract of land of equal size and value belonging to the Texas A & I Development Foundation, Inc., for the purpose of allowing Corpus Christi State University to obtain the land where its lift station is located. (Effective August 27, 1979)

House Bill 1071 gives the chairman of the Texas Board of Corrections authority to convey to Brazoria County all of the interest of the state, except mineral rights, in a 124-acre tract of land needed for the Brazoria County airport. This land is to be exchanged for land adjacent to any unit or units of the Texas

Department of Corrections that the board may elect. (Effective June 7, 1979)

House Bill 1242 authorizes the Texas Board of Mental Health and Mental Retardation to sell and convey the interests of the state in not more than 500 acres of surplus land that it owns in Cherokee County. The proceeds from the sale of this land will be used by the Texas Board of Mental Health and Mental Retardation for the renovation of a ward building or buildings at the Rusk State Hospital. (Effective August 27, 1979)

Senate Bill 213 authorizes the board of regents of Texas Tech University to sell certain property in Lubbock and provides procedures for advertising and carrying out the sale. The proceeds from this conveyance are to be used only for the purpose of acquiring, constructing, and initially equipping buildings or other permanent improvements at the university. (Effective April 26, 1979)

Senate Bill 244 permits the chairman of the Texas Board of Corrections to convey on behalf of the State of Texas and the Texas Board of Corrections a defined tract of land of equal value for the future site of a new Walker County jail. (Effective April 11, 1979)

Senate Bill 354 empowers the board of regents of Stephen F. Austin State University to sell and convey to the highest bidder all the interest of the state, except oil, gas, and mineral rights, in a certain tract of land, commonly called the dairy farm of Stephen F. Austin University, located in Nacogdoches County. The proceeds from this transaction will be used for the purchase of land or reimbursement of funds transferred for the purchase of land. (Effective June 6, 1979)

Senate Bill 404 permits the Texas Employment Commission to sell and convey all the interest of the State of Texas in certain tracts or parcels of land to the city of McAllen for the use and benefit of the McAllen General Hospital. The proceeds gained from the sale of this property will be added to the funds of the Texas Employment Commission for the purpose of buying other real property in the city of McAllen and constructing another building on that property to be used by the commission. (Effective May 24, 1979)

Senate Bill 649 permits the board of directors of Texas A & M University System to sell, exchange, transfer, or convey to the Texas Parks and Wildlife Department 22 acres of state land used by the forest service as a seedling nursery and determined by the Texas Antiquities Committee to be of archaeological significance. Further, this legislation will allow the conveyance of any other portion of the original tract of land which may be later designated to be of archaeological importance by the committee. The directors

of The Texas A & M University System are also given authority to acquire replacement land in the general locality of the Indian Mound Nursery in Cherokee County. The proceeds from the sale of the land to the Parks and Wildlife Department will be used to purchase replacement acreage. (Effective August 27, 1979)

Senate Bill 755 authorizes the Texas Employment Commission to sell certain tracts of state-owned land located in El Paso, Orange, Port Arthur, Tyler, Paris, Temple, Grand Prairie, and Fort Worth. It further provides that the Texas Employment Commission may sell certain tracts of land in McAllen, provided the city of McAllen is given an opportunity to purchase the land before it is offered for sale as provided for other land under this act. The proceeds from the sale of this land will be used by the Texas Employment Commission to purchase other real property and to construct other buildings to be used by the commission. (Effective August 27, 1979)

Senate Bill 807 authorizes the board of regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise four tracts of land in the city of Arlington in Tarrant County for campus expansion and other university purposes. (Effective August 27, 1979)

Senate Bill 997 relates to the block of land in the city of Austin occupied by the "Old Bakery" and the adjacent property. The act authorizes the State Board of Control to transfer to the city of Austin all of the state's interests in that property. The property authorized to be conveyed is to be used, operated, maintained, and repaired by the city of Austin but the cessation of its use and maintenance by the city will result in the return to the state of all rights, title, and interest granted. (Effective August 27, 1979)

Coastal Lands

Senate Bill 514 applies the law relating to the maintenance of public beaches to all incorporated cities and towns bordering the Gulf of Mexico. Prior to this amendment, the laws were applicable only to home-rule cities with a population of more than 60,000. (Effective August 27, 1979)

Senate Bill 1069 increases the penalty for attempting to limit access to a public beach to a fine of not less than \$50 and not more than \$1,000. This fine is also reclassified from a criminal penalty to a civil penalty. (Effective August 27, 1979)

Senate Bill 1071 extends the same penalty provisions for driving while intoxicated or speeding on state highways and public roads to the same offenses committed on public beaches. A

definition of public beach is also added to the Uniform Act Regulating Traffic on Highways, and the speed limit on public beaches is set at 25 miles per hour during the day and 20 miles per hour at night. (Effective September 1, 1979)

Senate Bill 1104 authorizes counties that border on the Gulf of Mexico to regulate the possession of animals on the beach and to regulate swimming in certain passes leading to and from the Gulf of Mexico. (Effective August 27, 1979)

Senate Bill 1239 authorizes counties to close a portion of a public beach located on a bay or inlet of the Gulf of Mexico for a maximum of three days to allow its use for fund-raising events by nonprofit organizations. (Effective May 24, 1979)

TRANSPORTATION AND HIGHWAYS

Department of Highways and Public Transportation

Senate Bill 1247 eliminates the requirement that the state engineer-director for highways and public transportation be a civil engineer. (Effective August 27, 1979)

House Bill 798 changes the waiting period for the transfer to urban areas of unexpended funds allocated for public mass transportation from one year to 180 days after the end of the fiscal year for which the funds were originally appropriated. (Effective August 27, 1979)

House Bill 1067 raises the ceiling on the value of contracts that can be let at district headquarters of the State Highway and Public Transportation Commission for work on highways in the state highway system. The act also uses the same ceiling (\$100,000) as the maximum value of contracts that can be let after an abbreviated publication of public notice. (Effective August 27, 1979)

House Bill 1068 allows the State Highway and Public Transportation Commission to acquire through the power of eminent domain land for parking lots and roadside parks and to purchase land for vehicular parking lots. (Effective August 27, 1979)

House Bill 1106 expands the types of records the State Department of Highways and Public Transportation is authorized to photograph, microphotograph, or film. The act does not allow deeds to be microfilmed. (Effective August 27, 1979)

Vehicle Registration

Senate Bill 54 abolishes the 11 percent surcharge levied against diesel-powered passenger cars and light commercial vehicles at the time of annual registration. (Effective September 1, 1979)

Senate Bill 108 changes the inspection requirement procedures preceding registration and titling in Texas of motor vehicles that were last registered or titled outside Texas. (Effective June 6, 1979)

Senate Bill 348 increases to \$5 the fee for replacing motor vehicle number plates and provides for the allocation of the fees collected. (Effective April 19, 1979)

Senate Bill 349 increases from 10 days to 20 days the time a person is allowed to file for a transfer of title and registration for a used or secondhand vehicle. (Effective June 6, 1979)

Senate Bill 629 allows Congressional Medal of Honor recipients to be exempt from vehicle registration fees and makes them eligible for special license plates. (Effective August 27, 1979)

House Bill 164 allows a veteran of the armed services with a 60 percent service-related disability to register a passenger or commercial vehicle without paying the annual fee. Previous law required a 70 percent disability. House Bill 164 also changes the fee for an application for specially designed license plates for disabled veterans from \$1 to \$3. (Effective August 27, 1979)

House Bill 302 provides that a disabled veteran or citizen may register a motor vehicle under the provisions allowed for disabled veterans and also under provisions allowed for disabled citizens. (Effective August 27, 1979)

House Bill 876 provides that a former prisoner of war is eligible to receive special license plates and is entitled to register a vehicle without paying an annual registration fee. (Effective August 27, 1979)

House Bill 1002 exempts vehicles used exclusively in marine law enforcement and rescue operations from paying annual vehicle registration fees. (Effective August 27, 1979)

Drivers' Licenses

Senate Bill 39 removes the automatic legal disqualification preventing a person with epilepsy from having a driver's license. Under the law as amended by the act, epilepsy is to be considered in the manner that other disabilities are considered in determining driving capability on an individual basis. (Effective April 11, 1979)

Senate Bill 553 increases from 100 to 125 cubic centimeters the maximum piston displacement of motorcycles, motor scooters, and motorized bicycles that can be operated under a special restricted operator's license and requires the Department of Public Safety to offer a special training course for operation of the vehicles. The act also increases the license fee for the special license and for a license to operate a motor-assisted bicycle from \$4 to \$7. (Effective January 1, 1981)

Senate Bill 885 allows a driver's license holder 30 days to notify the Department of Public Safety of a change of address or name change. (Effective August 27, 1979)

House Bill 1924 provides that if, before the suspension of a driver's license, a hearing is to be held to determine whether a

person is a habitual violator of traffic laws and that person cannot be notified, the director of the Department of Public Safety is entitled to give the person notice of the pending hearing by publishing notice in a newspaper. The act also provides that before an employer hires a person as a chauffeur or commercial operator, the employer must request a list of convictions for traffic violations and a verification that the potential employee has a valid license. (Effective June 13, 1979)

House Bill 2026 eliminates the time restriction of 10 hours per day that a judge may allow a person whose driver's license has been suspended to operate a vehicle in the performance of his or her occupation. (Effective June 6, 1979)

Miscellaneous

Senate Bill 274 changes the number of members serving on the board of trustees of a municipal street transportation system to not less than three and not more than nine. (Effective May 9, 1979)

Senate Bill 455 gives a motorist charged with a misdemeanor violation of the Uniform Act Regulating Traffic on Highways, other than a violation of the prohibition against reckless driving or driving under the influence of drugs, the right to take a defensive driver's course in lieu of paying the normal penalty for the violation. A person must claim the right in court, must have a valid Texas driver's license or permit, and may not have successfully completed a course under the procedure within two years before the violation. The right provided by the act is in addition to the discretion of a court to allow defensive driver's courses in lieu of penalties for similar violations. (Effective June 13, 1979)

Senate Bill 555 prohibits the use of motorcycles, recreational vehicles, and four-wheel drive vehicles on certain facilities owned by conservation and reclamation districts. (Effective September 1, 1979)

Senate Bill 718 provides cities located within 15 miles of the Rio Grande River the authority to construct toll or any other bridges and accompanying structures and improvements. (Effective August 27, 1979)

House Bill 272 makes two changes relating to grants and loans by the Texas Aeronautics Commission. The language of the previous law is changed to include any governmental entity in the funding formula. Secondly, the act requires that when loans or grants are being made by the commission, at least 10 percent of the total project cost must be provided from sources other than the State of

Texas. Prior law required at least 50 percent funding from sources other than the state. (Effective August 27, 1979)

House Bill 638 increases the length, width, and weight requirements for vehicles transporting seed cotton modules. (Effective May 2, 1979)

House Bill 792 allows the owners of the majority of the land along a private road in an unincorporated area to request the State Highway and Public Transportation Commission to extend speed limits to that private road. (Effective June 13, 1979)

House Bill 852 repeals the law that requires cuspidors in railway stations and on passenger trains. (Effective August 27, 1979)

House Bill 995 provides for the relocation and renumbering of the portion of State Highway 183 between Hurst and Euless. (Effective August 27, 1979)

House Bill 1421 provides that a uniform statewide policy be implemented to give vehicles exiting or entering controlled access highways the right-of-way over frontage road traffic. (Effective August 27, 1979)

House Bill 1685 repeals the requirement that bicyclists use available paths adjacent to roadways. (Effective June 6, 1979)

House Bill 1832 increases the weight limit for farm trailers and semitrailers hauling agricultural products and provides that vehicles carrying cylindrically shaped bales of hay may exceed the normal width limits but may not be more than 120 inches wide. (Effective May 17, 1979)

Legislation regarding rapid transit authorities is summarized in the chapter entitled Government--Special Districts.

WATER

Senate Bill 521 amends the law relating to the approval of construction plans for levees. Under these amendments, the Texas Department of Water Resources is given extended authority to recover penalties for illegally constructed levees and to have illegally constructed levees removed. The types of levee construction that are not required to have state approval are expanded and more carefully defined. (Effective August 27, 1979)

The State of Texas has been negotiating for several years with border states with whom it shares water systems and supply problems on the Red River and Caddo Lake.

Senate Bill 581 ratifies and provides for implementation of the Red River Compact between Texas, Arkansas, Louisiana, and Oklahoma. (Effective May 24, 1979)

Senate Bill 675 ratifies and provides for implementation of the Caddo Lake Compact between Texas and Louisiana. (Effective June 6, 1979)

House Bill 1719 was adopted to update certain provisions of the Water Code so that functions of the Texas Department of Water Resources will be delegated properly within the new organizational framework. (Effective August 27, 1979)

House Bill 1794 changes the procedures to be followed by the Texas Water Commission on applications for a permit, permit amendment, or permit renewal and stipulates those occasions when a public hearing on an application need not be held. (Effective August 27, 1979)

House Bill 2115 amends a law passed by the 65th Legislature providing for a local election before issuance of a weather modification permit by the Texas Water Commission. The amendments to this law further define and clarify the procedures for requesting, calling, and holding a permit election, state additional conditions applicable to local approval and disapproval of a permit at an election, and make changes in the administration of the permit process to conform to the reorganization of the state's water agencies. (Effective June 13, 1979)

A discussion of legislation relating to specific water districts may be found in the chapter entitled Government--Special Districts.

APPENDIX

LIST OF VETOED LEGISLATION

House Bill 590 relates to the rights of former convicts to obtain occupational licenses.

House Bill 595 relates to the recovery of a claim against a unit of government based on a contract.

House Bill 635 relates to the regulation of lay midwives.

House Bill 938 relates to the review of the Texas Department of Water Resources under the Texas Sunset Act.

House Bill 1082 relates to self-insurance by cities or towns for peace officers and fire fighters.

House Bill 1096 relates to the Texas Controlled Substances Act.

House Bill 1228 relates to the authority of the Texas Employment Commission to sell and convey certain state-owned land.

House Bill 1382 relates to the state agency rulemaking process.

House Bill 1480 relates to a lump-sum death benefit for contributing members of the Employees Retirement System of Texas.

House Bill 1540 relates to the prohibiting of camping and the conduct of business in certain highway rest areas.

House Bill 1558 relates to standardization of state agency publications.

House Bill 1619 relates to the licensing of tidal water commercial finfish fishermen.

House Bill 1626 relates to the creation or reorganization of certain judicial districts and to the creation, duties, and compensation of prosecuting attorneys for certain districts.

House Bill 1689 relates to the order of argument in a criminal case.

House Bill 1708 relates to the acquisition of a public interest in a private road.

House Bill 1733 relates to housing for persons and families of low and moderate income.

House Bill 2142 relates to student service fees at The University of Texas at Austin.

House Bill 2153 relates to the approval by the Commissioners Court of Comal County of hunting and fishing regulations. (This veto was overridden.)

House Bill 2165 relates to the authority to order detention of a child for wilful violation of the compulsory school attendance law.

House Bill 2167 relates to the applicability of the Uniform Wildlife Regulatory Act in Houston County.

House Bill 2186 relates to the approval by the Commissioners Court of Hays County of hunting and fishing regulations.

House Bill 2199 relates to the open season for raccoon hunting in Brazoria County.

House Bill 2243 relates to hunting spike deer in Austin County.

House Bill 2269 relates to the application of nepotism laws.
Senate Bill 27 relates to the name, duties, and responsibilities of the Texas Prosecutors Coordinating Council.
Senate Bill 124 relates to the mandatory retirement age of public employees.
Senate Bill 164 relates to the regulation of the practice of plumbing.
Senate Bill 166 relates to the regulation of pawnshops.
Senate Bill 210 relates to the appointment of members of the board of managers of the Dallas County Hospital District.
Senate Bill 389 relates to local option alcoholic beverage elections in multicounty municipalities.
Senate Bill 417 relates to the antitrust immunity of motor carriers, motor bus companies, and railroads and their associations.
Senate Bill 457 relates to the filing of briefs in criminal cases.
Senate Bill 490 relates to longevity pay for certain investigators.
Senate Bill 491 relates to hunting in Sea Rim State Park.
Senate Bill 517 relates to the requirement that school bus drivers give bond.
Senate Bill 772 relates to the regulation of air carrier access to certain airports.
Senate Bill 785 relates to the appointment and use of masters in the district courts of Dallas County.
Senate Bill 851 relates to the presence of the defendant in a criminal proceeding.
Senate Bill 861 relates to the notification of the Court of Criminal Appeals that its mandate has been carried out.
Senate Bill 888 relates to the boundaries of the Lower Neches Valley Authority.
Senate Bill 1025 relates to the accessibility of information held by certain governmental bodies.
Senate Bill 1076 relates to the enacting of the Solid Waste Resource Recovery Financing Act.
Senate Bill 1077 relates to solid waste resource recovery.
Senate Bill 1154 relates to the administration, powers, duties, operation, and financing of the Clear Lake City Water Authority.
Senate Bill 1155 relates to the allocation of governmental services between certain cities and districts.
Senate Bill 1256 relates to state liability for and defense of causes of action against certain medical, psychological, and psychosocial consultants.
Senate Bill 1268 relates to the tax rate of the Willacy County Hospital District.
Senate Bill 1273 relates to the authority of certain cities to annex a municipal utility district.

Certain line items and riders in House Bill 558, general

appropriations act, were vetoed by the governor.

PROPOSED CONSTITUTIONAL AMENDMENTS

For Election on November 6, 1979

House Joint Resolution 108 proposes a constitutional amendment that would provide for the appointment of notaries public on a statewide basis, rather than by county. It also provides that the legislature shall set the terms of office for notaries at not less than two years nor more than four years. House Bill 1474 is the enabling legislation for this proposed amendment.

House Joint Resolution 133, if approved by the voters, would give the legislature the authority to review the rulemaking process of state agencies. It would allow the legislature to make laws providing for legislative review, providing conditions for the rules to take effect, and providing for suspension, repeal, or expiration of rules.

Senate Joint Resolution 13 would authorize the commissioner of agriculture to provide for, issue, and sell general obligation bonds of the state and to establish the farm and ranch loan security fund. The fund would be used to guarantee loans used for the purchase of farms or ranches and to advance to the borrower a percentage of the principal and interest due on those loans. House Bill 304 implements the program.

For Election on November 4, 1980

House Joint Resolution 54 proposes a constitutional amendment allowing spouses to agree that income or property arising from any separate property is to be separate property. The amendment also provides that all property owned before marriage and all property acquired afterwards by gift or descent remains the separate property of the one spouse; the language currently specifies only property belonging to the wife.

House Joint Resolution 86 would amend the constitution to allow the legislature to authorize the governor to exercise fiscal control over the expenditure of certain appropriated funds. The governor's authority would be subject to the approval of the budget execution committee and to the conditions and limitations provided by law. The amendment also provides that the budget execution committee will be composed of the governor, lieutenant governor, speaker of the house of representatives, chairman and vice-chairman of the senate finance committee, and chairman and vice-chairman of the committee on appropriations of the house of representatives.

House Joint Resolution 97 proposes to amend the constitution to grant the state the right of appeal from certain trial court

rulings in criminal cases. If approved by the voters, both the state and the accused would have the right to an interlocutory appeal from a pretrial ruling on the constitutionality of a statute, on a motion to quash, dismiss, or set aside an indictment, or on a motion to suppress evidence.

House Joint Resolution 98 proposes a constitutional amendment that would require a single appraisal of all property subject to ad valorem taxation and would provide for a single board of equalization within each county. The constitutional requirement that the county commissioners court sit as a board of equalization would be eliminated, and elected officials of the county or governing body of the taxing unit would be prohibited from serving as members of the board of equalization. A single appraisal would eliminate duplicative and often conflicting appraisals that various taxing entities now place on the same properties.

House Joint Resolution 121 proposes a constitutional amendment authorizing counties with a population of 5,000 or less to perform private road work. The resolution provides that the counties must impose a reasonable charge for the work, with the revenue received to be used for construction, right-of-way acquisition, or maintenance of public roads.

Senate Joint Resolution 8 would amend the constitution to allow the governor who appoints an official to remove that official from office subject to the advice and consent of the senate. If the legislature is not in session, the governor is authorized to call a special session of the senate for consideration of the removal.

Senate Joint Resolution 18 would allow the legislature to authorize bingo games to be conducted by certain groups for charitable purposes. The resolution provides that operation of the games must be approved in local option elections and that all proceeds must be spent in Texas.

Senate Joint Resolution 35 proposes to amend the constitution to permit banks to establish and operate unmanned teller machines within the county or city where the banks are located and to share the use of teller machines on a basis consistent with antitrust laws. The legislature may authorize the operation of those machines if it finds that such operation will serve the convenience of the public. House Bill 1510 is the enabling legislation for this proposed amendment.

Senate Joint Resolution 36 proposes changes in the jurisdiction and authority of appellate courts in the state in order to alleviate the problem of overcrowding in the Court of Criminal Appeals. The resolution proposes to change the name of the Courts of Civil Appeals to Courts of Appeals and provides that

these courts shall have appellate jurisdiction over both criminal and civil cases. The titles and qualifications of the justices of the Supreme Court will also be changed.

RESOLUTIONS AUTHORIZING INTERIM RESEARCH

Interim Studies by House or Senate Committees

HOUSE RESOLUTION 176

Subject: The use of electronic devices in detecting crime

Committee: House Committee on Criminal Jurisprudence

Duties: The committee is directed to study the possible effectiveness and implications in using electronic devices to intercept wire and oral communication as a tool in fighting crime.

SENATE RESOLUTION 196

Subject: Education programs for children of migrant agricultural workers

Committee: A Senate Education Subcommittee on Migrant Education Programs shall be appointed from among the members of the Senate Education Committee by the committee chair.

Duties: The subcommittee shall study ways to achieve coordination among states and agencies to insure that migrant children receive a comprehensive education.

SENATE RESOLUTION 462

Subject: Security problems at the San Antonio State Hospital

Committee: The San Antonio State Hospital Study Committee shall consist of five members of the senate appointed by the lieutenant governor who shall also appoint the chair.

Duties: The committee shall study security problems relating to patients at the San Antonio State Hospital.

SENATE RESOLUTION 565

Subject: Gasohol

Committee: A Special Senate Committee on Gasohol shall be composed of five members of the senate to be appointed by the lieutenant governor who shall also appoint the chair and vice-chair.

Duties: The committee shall study gasohol as an alternate fuel source and examine issues relating to its production in Texas.

SENATE RESOLUTION 599

Subject: Paperwork required by the state

Committee: The Senate Interim Committee to Study Paperwork Reduction will be composed of three members of the senate and three citizen members appointed by the lieutenant governor who shall also designate the chair.

Duties: The committee shall study ways to reduce the volume of state paperwork and to more effectively use the information gathered.

SENATE RESOLUTION 605

Subject: Criminal prosecution

Committee: The Senate Committee on Jurisprudence in cooperation with the Texas Prosecutors Coordinating Council

Duties: The committee shall study the quality and uniformity of criminal prosecution in Texas.

SENATE RESOLUTION 631

Subject: Adult education programs in Texas

Committee: Senate Education Committee staff

Duties: The staff of the Senate Education Committee shall study the scope and needs of continuing adult education for 1980-1989.

SENATE RESOLUTION 647

Subject: Charitable organizations

Committee: A Senate Interim Committee to Study Charitable Organizations shall consist of three members of the senate appointed by the lieutenant governor, who shall also designate the chair.

Duties: The committee shall study the procedures, administration,

and costs of charitable organizations and the assistance they provide to Texas residents.

SENATE RESOLUTION 663

Subject: Guidelines in the Texas Insurance Code regarding fire prevention, safety, and control

Committee: Senate Subcommittee on Consumer Affairs

Duties: The subcommittee is directed to study alternatives to Articles 1.09A, 5.43, and 5.44 of the Texas Insurance Code which deal with fire safety standards in order to provide more specific guidelines to insure public safety.

SENATE RESOLUTION 667

Subject: Provision of health care services

Committee: Senate Committee on Human Resources

Duties: The Committee shall study the provision of health care services through the use of certain standardized procedures such as protocol and standing orders as developed by health care providers, and any implications of Texas Attorney General Opinion H-1295 dealing with those procedures.

SENATE RESOLUTION 668

Subject: Effects of current money market conditions on home purchase and rehabilitation projects

Committee: A committee composed of five members of the senate shall be appointed by the lieutenant governor, who shall also designate the chair.

Duties: The committee shall study the current financial market and its effect on housing in Texas. The study shall include an examination of the lending practices of financial institutions, assessment of the resources available for financing home purchases and home rehabilitation projects, and determination of ways of improving the housing money market in Texas.

SENATE RESOLUTION 692

Subject: Services provided for the elderly and handicapped

Committee: Senate Committee on Human Resources

Duties: The committee is directed to study several areas in furtherance of recommendations made by the Joint Committee on Long-Term Care Alternatives of the 65th Legislature.

SENATE RESOLUTION 693

Subject: Handicapped residents of Texas

Committee: Senate Committee on Human Resources

Duties: The committee shall make a comprehensive study of the handicapped population of Texas and compile information regarding their number, type of disability, and unmet needs.

SENATE RESOLUTION 748

Subject: Disposal of uranium products

Committee: Senate Committee on Natural Resources

Duties: The committee shall study the disposal of uranium mill tailings, low-level waste, and toxic industrial waste.

SENATE RESOLUTION 756

Subject: Sculptured bust of the Honorable A. M. Aikin, Jr.

Committee: The lieutenant governor shall appoint a six-member committee consisting of three senators and three citizen members.

Duties: The committee shall commission a sculptor to produce a bust of A. M. Aikin, Jr., former dean of the senate.

Interim Studies by Joint Committees

SENATE CONCURRENT RESOLUTION 23

Subject: Governor's mansion

Committee: A special committee shall be composed of two members appointed by the governor, two members of the house appointed by the speaker, and two members of the senate appointed by the lieutenant governor. The governor shall appoint the chair.

Duties: The committee shall study the need for restoration and renovation of the governor's mansion, the Old Bakery, and the parking lot and grounds surrounding the Old Bakery.

SENATE CONCURRENT RESOLUTION 89

Subject: Rural industrial development

Committee: A Joint Special Committee on Rural Industrial Development shall be created composed of three members of the senate and two citizen members appointed by the lieutenant governor, and three members of the house of representatives and two citizen members appointed by the speaker of the house. The committee members shall elect a chair and vice-chair.

Duties: The joint committee shall study industrial development in rural areas of the state.

SENATE CONCURRENT RESOLUTION 94

Subject: The Texas Legislative Council's continuing study of problems and needs of visually handicapped Texans

Committee: The study shall be made by the Texas Legislative Council study committee, designated by the council chair, and assisted by a 10-member advisory committee composed of five members appointed by the lieutenant governor and five members appointed by the speaker. The advisory committee shall consist of citizens knowledgeable about the needs and problems of rehabilitation and services for the visually handicapped.

Duties: The Texas Legislative Council is authorized to enter into interagency contracts with the State Commission for the Blind as may be necessary to assist the commission in fulfilling federal requirements for continuing statewide studies and to assure the appropriate involvement of federal funds in such studies.

SENATE CONCURRENT RESOLUTION 96

Subject: Early childhood intervention services

Committee: A Special Interim Study Committee on Early Childhood Intervention Services shall be created consisting of a member of the senate appointed by the lieutenant governor, a member of the house of representatives appointed by the speaker of the house, a representative of the Texas Education Agency designated by the Commissioner of Education, a representative of the Legislative Budget Board designated by its director, a representative of the Texas Department of Mental Health and Mental Retardation designated by the Commissioner of Mental Health and Mental Retardation, and a representative of the Texas Department of Health designated by the Commissioner of Health.

Duties: The committee shall study existing childhood intervention services in Texas for children from birth to three years and shall

explore the feasibility of providing a state-funded program of early childhood intervention services administered by the Texas Education Agency.

SENATE CONCURRENT RESOLUTION 101

Subject: Financing of the higher education system

Committee: A Special Committee on Higher Education Financing in Texas shall be composed of the lieutenant governor, serving as the chair; the speaker of the house, serving as vice-chair; three members appointed by the governor; three members appointed by the lieutenant governor; and three members appointed by the speaker of the house.

Duties: The committee shall study the financing of the state's higher education system, giving special consideration to formula financing, declining enrollments, facility financing, and financial administration.

Interim Studies by Agencies or Advisory Committees

HOUSE CONCURRENT RESOLUTION 90 & SENATE CONCURRENT RESOLUTION 36

Subject: Curriculum for public schools

Agency: The State Board of Education in cooperation with appropriate interim committees of the 66th Legislature

Duties: The board is directed to make a statewide study of the curriculum for public schools and prepare a statement of the desired elements included in a well-balanced curriculum.

HOUSE CONCURRENT RESOLUTION 91

Subject: Veterans cemeteries

Agency: Veterans Affairs Commission

Duties: The commission is directed to study the advisability of Texas' participation in the federal grant program to assist states in establishing and maintaining state veterans cemeteries.

HOUSE CONCURRENT RESOLUTION 98

Subject: Pornography

Agency: A task force shall be created by the Department of Public

Safety to include federal, state, county, and city law enforcement personnel, and the Department of Human Resources Investigation Division personnel.

Duties: The task force will investigate the relationship between organized crime, pornography, and sexual exploitation of children.

HOUSE CONCURRENT RESOLUTION 103

Subject: Services for sexually abused children

Agency: Texas Department of Human Resources

Duties: The department shall evaluate its services for sexually abused children to determine its staffing and service needs.

HOUSE CONCURRENT RESOLUTION 106

Subject: Sexual abuse crimes against children

Agency: Department of Public Safety

Duties: The department is requested to compile and report data pertaining to sexual abuse crimes committed against children.

HOUSE CONCURRENT RESOLUTION 107

Subject: Current court procedures in juvenile sexual abuse cases

Agency: The Institute of Contemporary Corrections and the Behavioral Sciences at Sam Houston State University

Duties: The institute is requested to study the current court procedures in juvenile sexual abuse cases and make recommendations on how those procedures might be changed.

SENATE CONCURRENT RESOLUTION 21

Subject: Insurance coverage for the elderly and handicapped

Agency: State Board of Insurance

Duties: The board is requested to study the problems that elderly and handicapped citizens encounter in obtaining insurance coverage.

SENATE CONCURRENT RESOLUTION 87

Subject: Temporary nursing services in health care facilities

Agency: Texas Department of Human Resources and the Texas Department of Health

Duties: These departments are requested to study jointly the impact on available manpower and the effect on the cost of health care delivery of using temporary nursing staff services.

SENATE CONCURRENT RESOLUTION 103

Subject: Workers' compensation laws

Committee: The Texas Workers' Compensation Advisory Committee shall consist of 12 members appointed by the governor so that three members shall be appointed from and representative of each of four specified constituent groups.

Duties: The committee shall study workers' compensation laws and formulate recommendations for necessary changes.

SENATE RESOLUTION 619

Subject: Revision of the Texas Education Code

Agency: Texas Legislative Council

Duties: The Texas Legislative Council is directed to undertake the revision of the Texas Education Code.

SENATE RESOLUTION 677

Subject: Consumer education courses and programs

Agency: The Coordinating Board, Texas College and University System

Duties: The board is requested to provide the necessary assistance and guidance to public institutions of higher education in establishing and expanding consumer education courses and programs.

OTHER SELECTED RESOLUTIONS

Resolutions Memorializing Congress and the President

House Concurrent Resolution 31 memorializes congress to instruct the secretary of agriculture to implement the 1977 farm program to the fullest extent.

House Concurrent Resolution 39 memorializes congress to urge the Federal Republic of Germany to abolish or extend the statute of limitations on Nazi war crimes.

House Concurrent Resolution 71 memorializes congress to halt the elimination of passenger train service.

House Concurrent Resolution 79 memorializes congress to maintain the operation of the naval air station in Corpus Christi.

House Concurrent Resolution 104 requests the president and the U.S. Postal Service to take measures to help eliminate the mailing of obscene materials.

House Concurrent Resolution 105 memorializes the president and the U.S. attorney general to adopt a policy of vigorous enforcement of antiobscenity laws and the Mann Act.

House Concurrent Resolution 193 urges congress to repeal Section 1023 of the Internal Revenue Code dealing with the payment of income taxes on gains derived from the sale of property received by inheritance.

Senate Concurrent Resolution 20 memorializes congress to aid the severely handicapped by legislative action.

Senate Concurrent Resolution 28 memorializes the president and congress to launch an all-out energy production and conservation effort.

Senate Concurrent Resolution 29 and House Resolution 40 memorialize congress not to amend the McCarran-Ferguson Act which deals with limiting state regulation of the insurance industry.

Senate Concurrent Resolution 30 expresses support for House Joint Resolution 39, introduced by Congressman Phil Gramm, requiring a balanced federal budget.

Senate Concurrent Resolution 67 memorializes congress to retain the law requiring fiber content labels on textiles and apparel products.

Legislative Policy Resolutions

House Concurrent Resolution 60 requests the attorney general not to authorize the sale of bonds by a senior college or university against the tax proceeds of the next 10 years under the ad valorem tax before the end of the 66th Legislature.

House Concurrent Resolution 102 urges counties to consider creating medical examiners' districts.

House Concurrent Resolution 112 encourages nursing homes to provide outreach services for elderly and handicapped citizens.

House Concurrent Resolution 153 and Senate Concurrent Resolution 73 encourage all state agencies delivering human services to expand volunteer programs relating to the elderly and disabled.

House Concurrent Resolution 161 directs the Public Utility Commission of Texas to develop an energy conservation program consistent with the provisions of the National Energy Conservation Policy Act of 1978.

House Concurrent Resolution 183 directs state agencies to invest funds in Texas financial institutions.

House Concurrent Resolution 191 expresses support for human rights, religious liberty, and freedom of emigration for Soviet Jews.

House Concurrent Resolution 232 encourages statewide cooperation with the 1980 census.

Senate Concurrent Resolution 22 requests the Public Utility Commission of Texas to hold public hearings on problems resulting from unsolicited commercial telephone calls and use of automatic telephone dialing equipment.

Senate Concurrent Resolution 25 requests the Texas Department of Human Resources to make payments to rural health clinics for health care services legally provided by them to Medicaid recipients.

Senate Concurrent Resolution 31 requests the Texas Department of Mental Health and Mental Retardation and mental health and mental retardation community centers to give high priority to crisis counseling for the elderly and disabled.

Senate Concurrent Resolution 41 requests the Employees Retirement System of Texas to determine the number of members who might be eligible to claim creditable service for previous

employment with a county child welfare board.

Senate Concurrent Resolution 46 requests the State Department of Highways and Public Transportation to emphasize the construction of free beach accessways, free beach parking, and sign systems.

Senate Concurrent Resolution 47 requests state agencies to assist local governments in the development of free beach access and parking.

Senate Concurrent Resolution 51 recommends the development of a model hurricane evacuation plan.

Senate Concurrent Resolution 54 relates to the implementation of recommendations of the Joint Advisory Committee on Education Services to the Deaf.

Senate Concurrent Resolution 62 requests that evaluation reports based on the results produced by the programs and policies of certain state agencies involved with aquaculture and mariculture be presented to the 67th Legislature.

House Resolution 45 urges President Carter to insure full access of the American market to Mexican oil and gas.

House Resolution 167 directs state agencies to adopt procedures to inform board members of requirements for conducting public business.

Senate Resolution 553 charges the Texas Coastal and Marine Council with compiling a list of coastal concerns.

Senate Resolution 618 directs certain agencies to act on problems and recommendations presented in the report of the Joint Interim Committee on Special Education.

Senate Resolution 676 directs the consumer credit commissioner of the State of Texas to continue and expand efforts in establishing and working with debt counseling services.

Senate Resolution 678 urges all nonprofit education and human service agencies within Texas to develop and implement local, regional, and/or statewide consumer education programs.

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